

ORDINANCE G-5756

AN ORDINANCE AMENDING CHAPTER 27 OF THE
PHOENIX CITY CODE PERTAINING TO SOLID WASTE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. That the Phoenix City Code, Chapter 27, entitled "Solid Waste" is amended as follows:

Chapter 27

SOLID WASTE

Article I. General Provisions

- 27-1. Title.
- 27-2. Purpose and scope.
- 27-3. Powers and duties of public works director.
- 27-4. Hours of collection.
- 27-5. Definitions.
- 27-6, 27-7. Reserved.

Article II. Solid Waste Containment

- 27-8. Inspection of containers.
- 27-9. Responsibility for solid waste and recyclables.
- 27-10. Illegal dumping of solid waste; penalty.
- 27-11. Household medical and infectious waste.
- 27-12. Animal waste.
- 27-13. Unobstructed passage in streets and alleys.
- 27-14. Solid waste or recyclables containers.
- 27-15. Condemnation of containers; removal.

- 27-16. Responsibility for streets, alleys and sidewalks.
- 27-17, 27-18. Reserved.

Article III. Solid Waste Collection

- 27-19. Residential user containers; ownership, placement, responsibility and enclosures.
- 27-20. Manual solid waste collection.
- 27-21. Residential collection.
- 27-22. Residential bulk trash placement and collection services.
- 27-23, 27-34. Reserved.

Article IV. Solid Waste Recycling

- 27-25. Residential recycling program.
- 27-26. Residential recycling program non-participants and participant removal from program.
- 27-27, 27-28. Reserved.

Article V. Administration and Enforcement

- 27-29. Authority to enforce.
- 27-30. Rules and regulations.
- 27-31. Enforcement independent of other officials.
- 27-32. Enforcement and cooperation of other departments.
- 27-33. Issuance of citation or notice of violation.
- 27-34. Threats and intimidation.
- 27-35. Violations and penalties.
- 27-36. Civil jurisdiction of court.
- 27-37. Abatement; appeal.
- 27-38. Conflicts of ordinances; liability.
- 27-39, 27-40. Reserved.

Article VI. Solid Waste Disposal; Facilities

- 27-41. Definitions.
- 27-42. Disposal of special waste, lead acid batteries and motor oil.
- 27-43. City of Phoenix solid waste disposal facility user requirements.
- 27-44. Disposal of infectious, radioactive and hazardous waste.
- 27-45, 27-46. Reserved.

Article VII. Solid Waste Fees

- 27-47. Application of variances; beginning of charges.
- 27-48. Level of solid waste fees; no exceptions.
- 27-49. Payment of solid waste fees.
- 27-50. Credits and debits of solid waste fees.
- 27-51. Financial responsibility deposits.
- 27-51.1. Reserved.
- 27-52. State and other governmentally imposed fees or taxes.
- 27-53. Solid waste disposal facility permits; fees.

- 27-54. Waiver of disposal fees.
27-55. Dumping in designated areas permitted upon payment of fee.
27-56, 27-57. Reserved.

ARTICLE I. GENERAL PROVISIONS

27-1 Title.

This chapter ~~WILL~~ shall be known as the "Solid Waste Ordinance of the City of Phoenix," may be cited as such, and will be referred to hereinafter as "ordinance."

27-2 Purpose and scope.

The purpose of this chapter is to protect the health and safety of the citizens of the City and to protect the environment by establishing minimum standards for the storage, collection, treatment, transportation, processing and disposal of solid waste and recyclables. In addition, to set fees charged by the City for its solid waste program, inspection, collection and disposal services to recover the City's costs to provide such services.

27-3 Powers and duties of public works director.

The Director, in order to protect the health and safety of the citizens and the environment of the City, is authorized and directed to implement and enforce the provisions of this chapter to control the storage, collection, treatment, transportation, processing, and disposal of solid waste and recyclables. The Director is further authorized and directed to provide public solid waste disposal facilities for solid waste originating within the City. Nothing in this chapter is intended TO or MAY shall be construed so as to infringe or supplant the authority of the Maricopa County Health Department, Arizona Department of Health Services, Arizona Department of Environmental Quality or the United States Environmental Protection Agency in this area pursuant to Federal and State laws.

27-4 Hours of collection.

A. Hours of collection of solid waste or recyclables by private and municipal collectors ~~ARE~~ shall be regulated by the Director. In order to prohibit the disturbance of the public peace and welfare, it shall be unlawful to collect or remove or to cause, permit, facilitate, aid or abet the collection or removal of solid waste or recyclables between the hours of 10:00 p.m. and 6:00 a.m. if the collection point or container location is within ~~200~~ two hundred feet of any residential dwelling unit unless reasonable accommodations are approved by the Director.

B. For purposes of this section, "*private*" means any entity other than the City, whether commercial, non-profit or otherwise, collecting solid waste or recyclables.

27-5 Definitions.

For the purposes of this chapter, the following definitions shall apply:

Alley: A public passageway affording a secondary means of access to abutting property for utility, emergency and solid waste vehicles.

Ashes: All residue from the burning of any combustible material but does not include ashes from medical waste, hazardous wastes or special waste.

Automated contained solid waste collection system: A contained solid waste collection system that utilizes City-specified solid waste containers and a solid waste collection vehicle equipped with a lifting device.

Bin system: A contained solid waste collection system that utilizes large metal containers varying in size.

BIO HAZARDOUS MEDICAL WASTE: ANY WASTE THAT IS COMPOSED OF, OR HAS AS A CONSTITUENT, ONE OF THE FOLLOWING:

A. CULTURES AND STOCKS - DISCARDED CULTURES AND STOCKS 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 BACTERIA;

B. HUMAN BLOOD AND BLOOD PRODUCTS - DISCARDED PRODUCTS AND MATERIALS CONTAINING FREE-FLOWING BLOOD OR FREE-FLOWING BLOOD COMPONENTS; AND

C. HUMAN PATHOLOGICAL WASTE - DISCARDED ORGANS AND BODY PARTS REMOVED DURING SURGERY.

Bulk trash: Items as defined in Section 27-22.

CERTIFIED CLEAN GREEN ORGANICS: VEGETATIVE WASTE THAT IS LESS THAN FOUR FEET IN LENGTH AND 12 INCHES IN DIAMETER AND IS CLEAN AND NOT MIXED WITH OR CONTAIN ANY GARBAGE, TRASH, LITTER, RECYCLABLES, FILM PLASTIC, TREATED WOOD, METAL OR BAGGED ITEMS. THE VEGETATIVE WASTE MAY CONSIST OF PLANT CLIPPINGS, LEAVES, GRASS, BRANCHES, CACTUS, AND UNTREATED LUMBER AND WOOD, BUT MAY NOT INCLUDE PALM FROND OR OLEANDER MATERIAL. THE LIST IDENTIFYING THE VEGETATIVE WASTE THAT IS INCLUDED AND EXCLUDED FROM THIS DEFINITION OF CERTIFIED CLEAN GREEN ORGANICS WILL BE AMENDED FROM TIME TO TIME BY THE DIRECTOR AND PUBLISHED BY THE DEPARTMENT.

City: City of Phoenix.

Churches: ~~Any building clearly~~ A FACILITY identified as and used as a place of religious worship.

Collection begins date: The first day of the scheduled collection period, as established and published by the Director.

Commercial containers: A solid waste container for use by a commercial user.

Commercial or industrial establishments: Any building, structure or premises not defined as a dwelling unit in this section.

Commercial user: Any person, business, non-City resident and any other user that is not defined herein and is not a resident user.

Compactor or roll-off system: A contained solid waste collection system that uses a stationary solid waste compactor and compactor bins or open top roll-off boxes.

Composting: A controlled condition under which organic material decomposes and stabilizes.

Construction and demolition solid waste: All solid waste, building materials, rubble, soil, and spoils resulting from construction, remodeling, repair and demolition operations.

Contained solid waste: All solid waste placed in containers for disposal.

Contaminated load: Any load of solid waste or recyclables containing prohibited materials.

CONTAMINATED RECYCLING CONTAINER: ANY PHOENIX RECYCLING CONTAINER CONTAINING MATERIAL OR SOLID WASTE THAT IS NOT RECYCLABLE OR ACCEPTED IN THE CITY'S RECYCLING PROGRAM AS DETERMINED BY THE DIRECTOR FROM TIME TO TIME AND PUBLISHED BY THE DEPARTMENT.

Department: The City of Phoenix Public Works Department.

Director: The Public Works Director or THE DIRECTOR'S designee.

Dwelling unit:

1. A single unit providing independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation, or

2. One or more rooms within a building arranged, designed or used for residential purposes for one or more persons and containing independent sanitary and cooking facilities.

3. DWELLING UNIT AND LIVING UNIT ARE TERMS THAT MAY BE USED INTERCHANGEABLY.

Fly-tight: The lid of the container must fit flush around all contact points and prevent entry of flies or rodents.

Garbage: Swill, offal, and any accumulation of spoiled, partially or fully decomposed, rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and their waste wrappers or containers.

GREEN ORGANICS: ORGANIC VEGETATIVE WASTE INCLUDING PLANT CLIPPINGS AND TRIMMINGS FROM LANDSCAPING WASTE, CUT TREE BRANCHES AND LIMBS, CLEAN UNTREATED WOOD WASTE OR LUMBER, AND OTHER ORGANIC VEGETATIVE WASTE AS DETERMINED BY THE DIRECTOR FROM TIME TO TIME AND PUBLISHED BY THE DEPARTMENT.

Gross vehicle weight (GVW): Weight of vehicle plus load and driver of the vehicle used to determine fee for City of Phoenix solid waste disposal services.

Hazardous waste: Polychlorinated biphenyls (PCB's) and any waste so defined by the provisions of Arizona Revised Statutes, Title 49, Chapter 5, Article 2 and 40 Code of Federal Regulations, Part 261.

Hot load: Any vehicle carrying solid waste observed to be smoldering, smoking, on fire, giving off toxic odor, or leaking a potentially caustic substance.

Household hazardous waste: Any waste that would otherwise be a hazardous waste pursuant to Arizona Revised Statutes, Title 49, Chapter 5, Article 2, and 40 Code of Federal Regulations, Part 261 but is excluded as a hazardous waste because it is generated by the normal day-to-day activities of households.

Imminent health or safety hazard: Condition of real property, solid waste or recycling container that places a person's life, health, safety or property in high risk of peril when such condition is immediate, impending on the point of happening and menacing.

Incipient hazard: Condition of real property that can become an imminent or health hazard if further deterioration occurs that can cause unreasonable risk of death or severe personal injury.

Industrial solid waste: Any solid waste as defined in this section produced as a result of any industrial operation.

Infectious solid waste: Any material THAT which is contaminated with or may reasonably be expected to be contaminated with agents which THAT cause or significantly contribute to the cause of increased infection or infectious disease in human beings.

Institutional establishment: Any school, church, non-profit organization or government facility. DWELLING UNITS OWNED OR OPERATED BY THE INSTITUTIONAL ESTABLISHMENT ARE NOT INCLUDED IN THIS DEFINITION.

Large animal waste: Refuse including feces, URINE and/or discarded bedding or flooring materials such as straw, sawdust, or other materials from yards, pens, corrals, stables or other containment for domestic animals such as cattle, horses, and/or other domestic or permitted wild animals larger than 150~~one hundred fifty~~ pounds THAT DO NOT CONSUME MEAT.

Manual solid waste collection system: A solid waste collection system that uses manual labor to load solid waste into a collection vehicle.

Manual solid waste collection fee: Fees charged for manual collection and/or disposal services.

Manufactured item: Includes washers, dryers, stoves, dishwashers, hot water heaters, refrigerators, freezers, televisions and computer equipment.

Material recovery facility: A site used for the collection, storage and processing of recyclables.

MEDICAL SHARPS: DISCARDED SHARPS USED IN ANIMAL OR HUMAN PATIENT CARE, MEDICAL RESEARCH, OR CLINICAL LABORATORIES. THIS INCLUDES HYPODERMIC NEEDLES, SYRINGES, PIPETTES, SCALPEL BLADES, BLOOD VIALS, NEEDLES ATTACHED TO TUBING, BROKEN AND UNBROKEN GLASSWARE, AND SLIDES AND COVER SLIPS.

Medical solid waste: ~~Any human or a~~Animal tissue, OR any part of a ~~human or animal~~ body that has been removed by surgery, and any contaminated material such as, but not limited to, facial-tissues, bandages and hypodermic needles.

Mobile home development: A subdivision designed for mobile homes in which the lots are individually owned.

Mobile home park: Property owned and operated for the purpose of leasing or renting out mobile home space to tenants.

Motor vehicle tire: A passenger car or light truck tire.

Multi-family dwelling units: A building or buildings attached to each other that contain two or more dwelling units. This term is intended to apply to dwelling unit types such as duplex, triplex, four-plex and apartments.

Noncombustible solid waste: Any miscellaneous solid waste materials that WILL NOT BURN ~~are unburnable~~ at ordinary incinerator operating temperatures (up to 2000~~two thousand~~ degrees F.) and are the inorganic component of solid waste.

Non-hazardous liquid waste: Any liquid waste defined as non-hazardous liquid waste by the Arizona Department of Environmental Quality.

Non-profit agencies: Any entity recognized by the Internal Revenue Service as having 501(C)(3) status; a tax-exempt organization.

Obnoxious materials: Any solid waste that, when exposed, is unpleasant or offensive to the senses due to its odor or condition.

Owner: A person, persons, or legal entity listed as current title holder as recorded in the official records of the Maricopa County Recorder's Office.

Pathogenic liquid or solid waste: Any liquid or solid waste causing or capable of causing disease.

Person: Any individual, institution, state, municipal, county or private corporation, individual partnership or other entity.

Premises: Land, buildings or other structures, or parts thereof, where solid waste is stored or accumulated.

Private solid waste collection haulers: Solid waste collection operations owned and operated by private individuals or ~~corporations~~ BUSINESSES THAT holding a privilege tax license issued by the City.

Public buildings: All buildings or structures owned or leased by governmental agencies and used for the purpose of conducting public business.

Public housing: All buildings owned and/or operated by the City to provide living quarters to eligible residents.

Public nuisance: Anything THAT~~which~~ is injurious or obnoxious to health, or is offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by any considerable number of persons, or THAT~~which~~ obstructs the free passage or use, in the customary manner, of any street, alley, sidewalk, or public property.

Putrescible solid waste: Solid waste ~~THAT~~which is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases and capable of providing food for or attracting birds, insects, snakes, rodents or animals capable of transferring a diseased bacterium or virus from one organism to another.

~~Recyclables: Any solid waste that has been separated from other solid waste for the purpose of being collected and recycled.~~ CLEAN SOLID WASTE THAT CAN BE RECYCLED INCLUDING PLASTIC AND GLASS BOTTLES, JUGS, JARS AND TUBS; CARDBOARD AND FOOD BOXES; METAL CANS AND BEVERAGE CONTAINERS, NEWSPAPER, OFFICE PAPER, ENVELOPES AND MAIL, MAGAZINES, PHONE BOOKS; SMALL METAL APPLIANCES AND SCRAP METAL PIECES, AND MIXED RIGID PLASTIC PRODUCTS. ITEMS MAY BE ADDED OR DELETED FROM THE LIST OF ACCEPTABLE RECYCLABLES BY THE DIRECTOR FROM TIME TO TIME AND PUBLISHED BY THE DEPARTMENT.

Recycling container:

(1) A ~~container~~ RECEPTACLE owned, CLEARLY IDENTIFIED, AND ISSUED by the City and made available to participating recycling program residents USERS for their use as part of the City's recycling collection program; and

(2) A receptacle used exclusively for the storage of recyclables until they are collected.

RECYCLING OPT OUT: A RESIDENT THAT HAS PROVIDED WRITTEN NOTICE TO THE CITY THAT THE RESIDENT HAS ELECTED TO NOT PARTICIPATE IN THE CITY'S RECYCLING COLLECTION PROGRAM.

RECYCLING NONPARTICIPANT: RECYCLING OPT OUT OR A RESIDENT THAT HAS BEEN REMOVED FROM THE CITY'S RECYCLING COLLECTION PROGRAM.

Refrigerants: means chlorofluorocarbon (CFC) and hydrochlorofluorocarbons (HCFC) AND OTHER OZONE DEPLETING SUBSTANCES AS DEFINED IN 40 CFR PART 83 SUBPART F, AND AMMONIA WHEN USED IN AN APPLIANCE.

RESEARCH ANIMAL WASTE: ANIMAL CARCASSES, BODY PARTS, AND BEDDING OF ANIMALS THAT HAVE BEEN INFECTED WITH AGENTS THAT PRODUCE, OR MAY PRODUCE, HUMAN INFECTION.

Residential user: Any natural person living within the City boundaries paying a City monthly fee for residential solid waste service and disposing of only solid waste or recyclables generated from a dwelling unit.

Responsible party: An occupant, lessor, lessee, manager AGENT, licensee, owner or other person having control over a structure or parcel of land; ~~and in the case where~~

~~remediation is proposed as a means of abatement, any lien holder whose lien interest is recorded in the official records of the Maricopa County Recorder's Office.~~

Schools: All public and private buildings used for pre-school, elementary, specialized, or higher education purposes.

Small animal waste: Refuse including feces, URINE and/or discarded bedding or flooring materials such as straw, sawdust or paper from yards, kennels, dog or cat runs, chicken pens, aviaries or other containment for domestic animals such as dogs; cats; fowl such as birds, chickens, ducks, geese or other tame or permitted wild animals under 150~~one hundred fifty~~ pounds.

Solid waste: Any garbage, bulk trash, yard waste and other materials or products, including putrescible and non-putrescible wastes, organic and inorganic wastes, combustible and non-combustible wastes, and liquid non-hazardous waste, but not including hazardous waste or human body parts.

Solid waste container: A receptacle OWNED AND ISSUED BY THE CITY used exclusively for the storage of solid waste, excluding construction and demolition solid waste, until it is collected.

Solid waste disposal facility: Any site owned, operated or utilized by any person for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste.

Solid waste fee: A fee assessed by the City for solid waste services provided by the Solid Waste Management Group and associated functions.

SPECIAL WASTE: ALL SOLID WASTE THAT IS LISTED OR CLASSIFIED AS A SPECIAL WASTE PURSUANT TO TITLE 49 OF THE ARIZONA REVISED STATUTES.

Tare weight: Empty weight of vehicle with driver.

Townhouses or condominiums: All individually owned dwelling units sharing a common area and with two or more units sharing a common wall.

Volume based service fee: A fee charged for collection and/or disposal services based on quantity.

Watertight: The lid of the container must fit flush around all contact points and prevent entry of rain.

Yard waste: Branches, palm fronds, twigs, weeds, leaves, grass and vegetation clippings.

27-6, 27-7 Reserved.

ARTICLE II. SOLID WASTE CONTAINMENT

27-8 Inspection of containers.

Provisions shall be made for regular inspections by the Solid Waste Management Group of the Public Works Department to secure compliance with this chapter with reference to containment of solid waste or recyclables. The Director shall ~~haSve~~ the right to enter commercial, industrial and institutional establishments for inspection purposes.

27-9 Responsibility for solid waste and recyclables.

A. The responsible party of any premises or business establishment ~~I~~shall be responsible for their solid waste or recyclables until the solid waste or recyclables are collected by the City, agents of the City or licensed solid waste haulers.

B. The responsible party of any premises, business establishment, or industry ~~I~~shall be responsible for the sanitary condition of said premises, business establishment, or industry, and for the proper storage, containment, and placement for collection of all solid waste and recyclables. Except as provided in this chapter, it ~~I~~shall be a violation for any person to bury, dump, dispose or release upon any street, alley, right-of-way or public land, any solid waste or recyclables, including construction and demolition solid waste and tires.

27-10 Illegal dumping of solid waste; penalty.

A. It ~~I~~shall be a violation for any person to dump, dispose, or release or cause to be dumped, disposed or released, any solid waste or hazardous waste upon any street, alley, right of way, or public or private property within the City except as specifically permitted in this chapter or at a disposal site authorized by the Maricopa County Health Department, Arizona Department of Health Services, or Arizona Department of Environmental Quality.

B. Penalty: VIOLATION OF SUBSECTION A IS PUNISHABLE PURSUANT TO SECTION 27-35. ~~A person convicted of a violation of subsection A of this section is guilty of a Class 1 misdemeanor, punishable by a fine of not less than two hundred fifty dollars nor more than two thousand five hundred dollars, and by imprisonment for a term of not more than six months. In no case shall a person convicted of a violation of subsection A of this section be eligible for suspension or commutation of a sentence unless such person is placed on probation with the condition that the minimum mandatory fine be paid.~~

C. In addition to the penalty imposed pursuant to subsection B of this section, a person in violation of subsection A of this section MUST shall make restitution to the City for all cleanup and disposal costs incurred by the City.

D. If a violation of this section involves a vehicle, the person or persons in whose name such vehicle is registered may be presumed responsible for such violation.

27-11 Household medical and infectious waste.

All household medical and infectious solid waste including lancets, syringes and hypodermic needles must be properly contained before disposing of in the solid waste container. Household and infectious waste must be placed in plastic bags and securely tied before placing in the solid waste container. Lancets, syringes and hypodermic needles must be placed in a rigid, leak-proof and puncture resistant container with a secured and taped lid and must be clearly labeled identifying the contents before placing in the solid waste container. Depositing or disposing of household medical and infectious waste or lancets, syringes and hypodermic needles in any recycling container is prohibited. Non-household medical and infectious solid waste must be disposed of as specified in Section 27-44.

27-12 Animal waste.

A. Wastes from animals and pets MUST shall be removed and disposed of ~~as often as necessary to prevent~~ CREATION ~~occurrence~~ of a nuisance or health and safety hazard.

B. Small animal waste from typical domestic pets such as dogs and cats MUST shall be placed in a plastic bag, securely tied and placed in a solid waste container.

C. ~~At the City's discretion, t~~The City may collect large animal waste from animals such as horses and livestock. If the City collects such waste, it may charge a separate fee and require use of an alternate collection method.

D. All animal owners and custodians MUST shall immediately clean up and properly dispose of wastes left by their animals on any public street, alley, gutter, sidewalk, right-of-way or park.

27-13 Unobstructed passage in streets and alleys.

A. It IS shall be a violation for any person to permit trees, shrubs or brush growing upon their property to encroach on or over any public right-of-way so as to interfere with the movement of persons or vehicles. It is the responsibility of the responsible party to trim trees or shrubbery on their property and in the adjacent right-of-way back to their property line and allow eighteen-foot height clearance.

B. It IS shall be illegal to have any obstruction, including but not limited to parked vehicles, within fifteen feet of a solid waste or recycling container placed out for

collection service or to obstruct the solid waste and/or recycling collection operations in any other manner.

27-14 Solid waste or recyclables containers.

General statement: The responsible party of any premises, business establishment, or industry ~~IShall~~ be responsible for the sanitary condition of the premises, business establishment or industry and for the proper storage, containment and placement for collection of all solid waste and recyclables. All solid waste and recyclables MUST shall be stored in a manner that does not present a health or safety hazard or public nuisance, including but not limited to the breeding of insects. No person MAY shall place, deposit or allow to be placed or deposited on his or her premises or private property or any public street, alley or right of way any solid waste or recyclables except in a manner prescribed in this chapter.

A. General requirements:

1. All responsible parties using or occupying any dwelling unit, commercial, industrial or institutional establishment or grounds within the corporate limits of the City where solid waste and recyclables accumulate, MUST shall contain their solid waste and recyclables in watertight and fly-tight containers.

2. Solid waste and recyclables MUST shall be stored, collected and hauled for disposal in accordance with the Maricopa County Health Code, Arizona Department of Health Services and Arizona Department of Environmental Quality Regulations.

3. It is the container users' and responsible parties' responsibility to properly contain solid waste or recyclables generated on their premises and to keep the area around the container continuously clear and free of all debris. If the property has alley solid waste service, the term "area" includes the alley.

4. A minimum service level of no less than one-fourth cubic yard per dwelling unit, collected twice weekly, is required. One-fourth cubic yard is equivalent to ~~50~~50 fifty U.S. gallons or one-half of a City ~~100~~one hundred gallon curbside collection container.

5. All solid waste and recycling containers MUST shall be maintained in a sanitary condition. Containers MAY shall not be stored or maintained in such a manner as to constitute a nuisance, health or safety hazard.

6. It ~~IShall~~ be unlawful for any person not authorized by the responsible party to remove, collect or disturb the solid waste and recyclables stored in such containers or to remove from a solid waste or recycling container any solid waste or recyclables set out for collection and disposal by the City or agents of the City or licensed solid waste haulers. This prohibition does not apply to law enforcement officers acting within the scope of their official duties.

7. It ~~is~~ shall be unlawful for any person to utilize the solid waste or recycling containers or receptacles assigned to other persons for the disposal of solid waste or recyclables without their permission. This does not apply to the automated solid waste or recycling collection system where residents share the use of common containers.

8. The lids or covers of any solid waste and recycling containers MUST shall at all times be kept secure in such a manner to prevent intrusion of moisture, infestation of insects, and scattering of solid waste or recyclables. Covers MUST shall be kept closed except when containers are being loaded or emptied.

9. Each solid waste or recycling container MUST shall be placed on or adjacent to the property of the authorized user at a location approved by the Director.

10. Alley solid waste and recycling containers MUST shall be placed on one side of the alley, as determined by the Director. No container MAY shall be placed so as to restrict egress from an exit door or beneath a fire escape. No container MAY shall be placed under a street floor window unless such window is of fire-resistant construction.

11. Non-alley solid waste and recycling containers MUST shall be located in such a manner to not interfere with pedestrians or vehicles at a location approved by Director.

12. All boxes, cartons and crates MUST shall be collapsed before being placed in solid waste or recycling containers. Ashes MUST shall be soaked with water to extinguish any live embers and contained in tied bags before placement in solid waste containers.

13. Explosives or flammable materials of any kind MAY shall not be placed in any solid waste or recycling container.

14. Corrosives, reactives, oxidizers, lead acid batteries or any hazardous waste MAY shall not be disposed of in solid waste or recycling containers.

15. Pool chemical containers MUST shall be emptied, rinsed, drained and moisture free prior to being placed in a solid waste or recycling container.

B. Residential user requirements:

1. All household solid waste and grass MUST shall be bagged and securely tied before being placed in solid waste containers. Solid waste MUST shall be drained of all liquids and tied in waterproof bags before being placed in solid waste containers.

2. Recyclable materials MUST shall be disposed of as specified in Section 27-25

3. Construction and demolition solid waste ~~MAY~~ shall not be placed in a solid waste or recycling container. If such construction and demolition solid waste is generated, the responsible party is responsible for the removal and disposal of such solid waste. All construction and demolition solid waste ~~MUST~~ shall be removed promptly and ~~MAY~~ shall not be stored in any location where it may be blown or otherwise dispersed beyond the construction site. The City may, upon request from the responsible party, provide containers for such construction and demolition solid waste for a different and separate fee.

4. It ~~IS~~ shall be unlawful to place material in any solid waste or recycling container of a volume or weight ~~THAT~~ which prevents the collection vehicle from emptying the container or ~~THAT~~ which damages the collection vehicle or container. ~~THE~~ ~~M~~ maximum weight of material placed in any ~~90~~ ninety to ~~100~~ one hundred gallon container ~~MAY~~ shall not exceed ~~200~~ two hundred pounds. ~~THE~~ ~~M~~ maximum weight of material placed in a ~~300~~ three hundred gallon container ~~MAY~~ shall not exceed ~~500~~ five hundred pounds.

5. It ~~IS~~ shall be unlawful for any person not authorized by the City to utilize for other than its intended purpose the lid from any solid waste or recycling container.

C. *Commercial user requirements:*

1. The owner or responsible party of any commercial and/or privately owned recycling container placed on private property, alley or in the City right of way ~~IS~~ shall be responsible for maintaining the area within a ~~25~~ twenty-five foot radius around the container and/or bin in a sanitary condition, and prevent scattering or blowing around of materials deposited.

2. Commercial users ~~MUST~~ shall, where the volume of solid waste or recyclables accumulated cannot be conveniently handled in cans or bags, provide bins or compactor bins for containment of solid waste and/or recyclables. Such bins or compactor bins ~~MUST~~ shall be constructed of durable non-absorbent, noncombustible material, and have suitable fly-tight and watertight covers.

3. All commercial containers located on commercial users premises ~~MUST~~ shall be placed or concealed in such a manner so as to minimize visibility from the street or public walkways.

4. All non-City solid waste and recycling containers ~~THAT~~ which have a capacity in excess of ~~32~~ thirty-two gallons or are accessible to the general public ~~MUST~~ shall be identifiable by indicating the responsible party's name and telephone number on the container and ~~MUST~~ shall meet all City zoning and permit requirements. The container identification must be readable from a minimum distance of ten feet.

5. All solid waste generated by commercial, institutional and industrial establishments is prohibited from being deposited or disposed of in any City-owned container unless collection service is being provided to the establishment by the City.

6. Commercial users, WILLshall, upon request of the Director, be required to show documentation of the method of collection and removal of solid waste and/or recyclables they generate.

27-15 Condemnation of containers; removal.

A. If a solid waste or recycling container is in violation of this chapter and presents a health or safety hazard, the Director MAYshall issue a notice of violation to the responsible party. Notification MAYshall consist of tagging the solid waste or recycling container with a notice of violation or by delivering a notice of violation in person or by mail to the responsible party.

B. If action necessary to remedy the violation is not taken within the period specified, the Director HAS shall have the right to remove the solid waste or recycling container and dispose of it in accordance with Section 27-37

27-16 Responsibility for streets, alleys and sidewalks.

A. The owner and any responsible party in control of any land abutting a sidewalk, alley or street MUSTshall maintain the sidewalk, alley or street free from any accumulation of solid waste.

B. The areas required to be maintained pursuant to this section are:

1. Any portion of a street, THATwhich has been opened for public use, between the curb line and the abutting property line including sidewalks.

2. One-half the width of abutting alleys from the property line to the centerline of the alley.

27-17, 27-18 Reserved.

ARTICLE III. SOLID WASTE COLLECTION

27-19 Residential user containers; ownership, placement, responsibility and enclosures.

A. The frequency of contained solid waste collections WILLshall be in accordance with the Maricopa County Health Code and the Arizona Department of Environmental Quality Regulations.

B. Collection days WILLshall be as designated by the Director.

C. The Director determines the service level required and method of collection. Residents may request different levels of service based on service levels and fees established in Section 27-48

D. The City specifies and may purchase or own the containers THAT which are provided to the residents for no other purpose than as solid waste or recycling containers.

E. The Director WILL~~shall~~ decide on which side of the alley and where the containers will be placed. Residents receiving curbside service MUST~~shall~~ place their containers at the curb in front of their residence in such a manner that it allows for the safe and efficient operation of the collection vehicle and does not interfere with pedestrian or vehicular traffic. Containers MUST~~shall~~ be placed so that they open towards the street or alley.

F. Residential lots that cannot be safely or efficiently serviced using the City's standard solid waste equipment will be assessed a different and separate fee as set by the Director. Situations where a different and separate fee may apply includes, but is not limited to, hillside developments, private streets, dead-end streets without adequate turnarounds, and multi-family dwelling units.

G. The City is responsible for cleaning only shared use alley containers. The responsible party is responsible for cleaning the individual container assigned to their property.

H. All containers issued by the City for use in conjunction with an automated loading device ~~shall~~ remain the City's property. The City is responsible for repairs to the City-owned containers when damage is caused during normal usage. Containers MUST~~shall~~ be secured, between collection days, in such a manner that they are not readily susceptible to theft or vandalism. Anyone found to have intentionally or negligently damaged a City-owned container WILL~~shall~~ be liable to pay the replacement or repair cost.

I. Only the Director IS~~shall~~ be authorized to remove any City-owned solid waste or recycling container from its assigned location. It IS~~shall~~ be unlawful for any other person to remove a container from the address to which it is assigned.

J. To ensure containers are placed out on time, containers may be placed at the curb after 6:00 p.m. on the day preceding collection. Containers for street collection MUST~~shall~~ be placed at the curb for service no later than 5:30 a.m. on the day of collection. They must be removed prior to 5:30 a.m. of the day after collection. It IS~~shall~~ be unlawful to place or permit containers to remain adjacent to the curb except upon regular collection days. Containers MUST~~shall~~ be stored, between collection days, on the user's property so as not to interfere with pedestrian or vehicular traffic.

K. All solid waste and recycling container enclosures must be approved by the Director and constructed according to City Codes. The enclosures must be designed and constructed to allow for:

1. A minimum of two and one-half feet distance between all inside walls of the enclosure and the side edges of the solid waste container.
2. If the enclosure wall is over five feet high, an additional ~~12~~twelve inches of clearance between the top back edge of the solid waste container and the back wall of the enclosure will be required for each additional foot in height, up to a maximum clearance of six feet.
3. The front top edge of the solid waste container must not extend beyond the front face of the side wall.
4. Any variation or modifications must be approved by the Director.

27-20 Manual solid waste collection.

A. The City may, at the Director's discretion, utilize a manual solid waste collection system for residential collection in areas where automated collection vehicles cannot safely or efficiently operate.

B. All containers for manual collection MUSTshall be maintained by the responsible party in a sanitary condition and MUSTshall be thoroughly cleaned as needed.

1. Containers MAYshall not be less than ten nor more than ~~32~~thirty-two gallons capacity each. They WILLshall be constructed of galvanized steel, heavy-duty plastic or equivalent material with a tight fitting lid or cover and with handles strong enough for lifting and emptying.
2. Containers MAYshall not be affixed to any attachment such as carts, fences, poles, stands or similar objects. Containers MUSTshall be removed from underground or enclosed receptacles and placed out for collection.

C. Wet strength plastic bags may be used in lieu of containers. Bags MUSTshall have a capacity of not less than ten gallons nor more than ~~32~~thirty-two gallons and be sufficiently strong and free from tears or leakage. Bags must be securely tied and not weigh more than ~~30~~thirty pounds when placed out for collection.

D. The Director WILLshall determine whether alley or street collection service WILLshall be provided and WILLshall designate the collection location.

27-21 Residential collection.

A. The City WILL shall provide solid waste collection service to all dwelling units including:

1. Single dwelling units.
2. All buildings with less than five dwelling units, including duplex, triplex and four-plex units, and all buildings with five or more units THAT which have been receiving City solid waste collection continuously since May 30, 1979. Multiple buildings on one lot cannot be aggregated to avoid the provisions of this chapter.
3. The City may provide solid waste collection services to any building with five or more multi-family dwelling units but less than 30~~thirty~~ units upon consent between the City and the responsible party.
4. Mobile home parks.
5. Mobile home developments.
6. Townhouses and condominiums.
7. Carryout service is provided at no additional charge to individuals living alone who are elderly, ill or disabled and are incapable of conveying their solid waste or recycling container to the designated collection location. This does not include entering the dwelling unit. The resident may be required to produce a medical statement of present physical condition. No carryout service WILL shall be performed if, in the opinion of the Director, the terrain presents a safety hazard for equipment operators or collection vehicles. The Director ~~shall have~~HAS the right to limit the number of containers.
8. DWELLING UNITS THAT GENERATE IN EXCESS OF 0.50 CUBIC YARDS OF WASTE AT ANY GIVEN TIME MAY BE SERVED UTILIZING AN ALTERNATE COLLECTION SYSTEM AND CHARGED ACCORDING TO A DIFFERENT AND SEPARATE FEE STRUCTURE BASED ON COLLECTION AND DISPOSAL COSTS. THE FEES WILL BE DETERMINED BY THE DIRECTOR FROM TIME TO TIME AND WILL BE PUBLISHED BY THE DEPARTMENT.
- ~~8. Dwelling units with horse privileges that generate in excess of .50 cubic yards of horse waste per week may be served, at the Director's discretion, with an alternate collection system and charged according to a different and separate fee structure based on collection and disposal costs.~~

B. The City may provide service to institutional establishments if they request solid waste service. They will be charged a different and separate fee.

C. The City does not provide solid waste collection service to commercial or industrial establishments or to any building with more than ~~30~~thirty multi-family dwelling units, except as provided in Section 27-21(A)(2).

27-22 Residential bulk trash placement and collection services.

A. It ~~IS~~shall be unlawful to place bulk trash out for collection more than one week prior to the scheduled "collection begins date". This one-week period includes the two weekends prior to the scheduled "collection begins date."

B. Bulk trash MUSTshall be placed out for collection no later than 6:00 a.m. on the scheduled "collection begins date."

C. Bulk trash placed out for collection MUSTshall be in neat stacks.

D. Bulk trash placed in alleys MUSTshall be placed adjacent to the property line. Bulk trash placed out for curbside collection MUSTshall be placed on the resident's property, parallel to the street or curb. The Director may designate alternative placement and collection points. Bulk trash MAYshall not be placed on the sidewalk or in the street, behind a fence or any obstruction or barrier, except as set forth in subsection L.

E. Bulk trash MAYshall not be placed within five feet of any fixed object, solid waste or recycling container or in any manner THATwhich would interfere with or be hazardous to pedestrians, bicyclists, equestrians or motorists.

F. The amount of bulk trash placed for collection MAYshall not exceed a total uncompacted volume of ~~20~~twenty cubic yards.

G. Items of bulk trash THATwhich are acceptable for normal residential collection are:

1. Tree limbs and branches less than four feet in length and ~~12~~twelve inches in diameter and palm fronds;
2. Metal material ~~20~~twenty pounds or less;
3. Pipe less than one inch in diameter and less than four feet in length;
4. Manufactured items;
5. Bagged or boxed leaves, weeds, grass, small vegetation clippings and hedge clippings;

6. ~~25~~Twenty-five pounds or less of construction and demolition solid waste generated by a resident; AND
7. Cardboard boxes;

H. Items of bulk trash THAT which are not acceptable for normal residential collection include:

1. Tree limbs and branches more than four feet in length or ~~12~~twelve inches in diameter;
2. Metal material in excess of ~~20~~twenty pounds;
3. Pipe more than one inch in diameter or more than four feet in length;
4. Any item containing refrigerants;
5. Unbagged leaves, weeds, grass and small vegetation and hedge clippings;
6. More than ~~25~~twenty-five pounds of construction and demolition solid waste generated by a resident or any amount generated by a contractor;
7. Cement, cement blocks, brick, asphalt, stones and dirt;
8. Lead acid batteries or any hazardous, infectious or medical solid waste;
9. Vehicle or equipment parts in excess of ~~20~~twenty pounds;
10. Motor vehicle tires or tires of any other type; AND
11. ALL MATTRESSES OR FURNITURE KNOWN TO BE OR SUSPECTED OF BEING INFESTED WITH BED BUGS.

I. It ~~is~~shall be a violation of this chapter to place unacceptable bulk trash items, bulk trash exceeding ~~20~~twenty cubic yards or improperly placed bulk trash items out for collection. The responsible party MUSTshall remove and dispose of all bulk trash improperly placed, bulk trash exceeding ~~20~~twenty cubic yards, and any unacceptable items of bulk trash at their own expense.

J. The City may abate any violation of this section pursuant to Sections 27-35(F) and 27-37

K. The Director may require that yard waste be separated from other bulk trash for collection in an alternative manner.

L. The City uses mechanical collection equipment. If bulk trash cannot be placed for collection as set forth in subsection D, the Director, at his discretion, may collect the bulk trash and may require a waiver THATwhich holds the City harmless for any and all damage associated with the collection activity. A waiver must be signed prior to collection.

27-23, 27-34 Reserved.

ARTICLE IV. SOLID WASTE RECYCLING

27-25 Residential recycling program.

A. The "Phoenix Recycles" program is a method of collection developed to integrate recycling into the automated collection system utilized by the City. Residents are provided a second clearly identified recycling container in which to place specified items defined as recyclables. Residents participating in the recycling program receive once-per-week collection of recyclables and once-per-week collection of solid waste. Specific collection days each week are designated by the Director.

B. Recyclables collected from designated "Phoenix Recycles" recycling containers are taken to a materials recovery facility where they are separated into the various categories of recyclables, weighed and sold to end processors. Materials that cannot be recycled will be taken to a solid waste disposal facility for disposal. Recyclables placed in a recycling container MAYshall not be bagged or bundled.

27-26 Residential recycling program non-participants and participant removal from program.

A. Residents not participating in the "Phoenix Recycles" program will receive once-per-week collection of solid waste. Non-participants include the following:

1. Residents electing not to participate in the "Phoenix Recycles" program. These units do not receive a specially designated recycling container.
2. Residents that have been removed from the "Phoenix Recycles" program. Reasons for removal from the program include, but are not limited to:
 - a. Contamination of the recycling container by depositing non-recyclable solid waste.
 - b. Placement of household hazardous waste in the recycling container.

B. Residents that have been removed from the "Phoenix Recycles" program will be notified in writing by solid waste personnel when the recycling container is removed.

27-27, 27-28 Reserved.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

27-29 Authority to enforce.

The Director ~~WILL~~ shall enforce the provisions of this chapter. In addition, the Director is authorized to abate conditions THAT ~~which~~ in the opinion of the Director are incipient or are an imminent threat to the health or safety of any person or persons.

27-30 Rules and regulations.

The Director is authorized to make reasonable and necessary rules and regulations to carry out provisions of this chapter.

27-31 Enforcement independent of other officials.

The authority of the City to enforce provisions of this chapter is independent of and in addition to the authority of other City officials to enforce the provisions of any other ordinances of the City.

27-32 Enforcement and cooperation of other departments.

Upon request from the Director, the Police Department and any other department of the City has authority to assist and cooperate and enforce this chapter.

27-33 Issuance of citation or notice of violation.

A. If the City finds a violation of this chapter, the City may notify the owner or responsible party through the issuance of a notice of violation.

B. Any authorized person may issue a notice of violation to any person violating any provisions of this chapter. If the violation has not been corrected within the specified period, a civil citation or criminal complaint may be issued, or any police officer may issue a citation for any violation of this chapter. A notice of violation of this chapter WILL ~~shall~~ include:

1. Identification of the property in violation.
2. Statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the problem.
3. Re-inspection date.
4. Address and phone number of a City representative to contact.

5. A cost estimate to correct the violations, if the City intends to abate the violation pursuant to Section 27-37
6. Appeal procedures.

C. Any notice given for any purpose under this chapter WILL shall be deemed effective on the date when written notice is delivered or mailed to the property owner or responsible party. If the City intends to abate the violation, any mailed service must be certified, return receipt requested. Nothing herein WILL shall preclude the City from giving additional verbal or written notice at its discretion. If the City does elect to give any additional notice in any instance, it WILL shall not thereby become obligated to give such additional notice thereafter in the same or other situations.

D. Nothing in this section ~~shall require~~ S the issuance of a notice of violation prior to issuing a civil citation or criminal complaint.

E. Any notice of violation can be appealed to the Director for an administrative conference for review. A request for an administrative conference must be made in writing within the period set to correct the violation, as specified in the notice of violation. The timely filing of a request for an administrative conference WILL shall act as an automatic stay of enforcement of the notice of violation until the matter is finally determined by the Director.

~~F. Any party may appeal the judgment of the court to the Superior Court. Appeals from civil proceedings WILL shall be in accordance with the Superior Court Rules of Appellate Procedure Civil. Appeals from criminal proceedings WILL shall be in accordance with the Superior Court Rules of Appellate Procedure Criminal. Execution of any judgment WILL shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the Trial Court, or when no bond is fixed and a notice of appeal has been filed.~~

27-34 Threats and intimidation.

No person MAY shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City who is lawfully and constitutionally engaged in the enforcement or execution of the provisions of this chapter.

27-35 Violations and penalties.

A. Any responsible party who causes, permits, facilitates, or aids or abets any violation of this chapter or who fails to perform any act or duty required by this chapter is subject to a civil sanction of not less than 100~~one hundred~~ dollars nor more than 2,500~~two thousand five hundred~~ dollars.

B. Any responsible party who causes, permits, facilitates, or aids or abets any violation of this chapter or who fails to perform any act or duty required by this chapter is guilty of a Class 1 misdemeanor.

C. Each day any violation of this chapter exists WILL shall constitute a separate violation or offense.

D. The owner of record, as recorded in the Maricopa County Recorder's Office records of the property at which a violation of this chapter exists, may be presumed to be a person having lawful control over any building, structure or parcel of land. If more than one person IS shall be recorded as the owner of the property, said persons may be jointly and severally presumed to be persons having lawful control over the building, structure or parcel of land.

E. If a responsible party served with a notice of violation or citation by the City fails to correct the violation within the period specified, the City may correct or abate the condition as described in the notice and, in addition to any fine THAT which may be imposed for a violation of this chapter, the responsible party WILL shall be liable for all costs THAT which may be assessed pursuant to this chapter for the correction or abatement of the condition.

F. If in the opinion of the Director the condition constitutes an imminent health or safety hazard, the Director may immediately abate the hazard without notice. Such abatement of an imminent health or safety hazard WILL shall be limited to the minimum work necessary to remove the hazard.

27-36 Civil Jurisdiction of court.

A. Jurisdiction of all proceedings to enforce this chapter WILL shall be in the Municipal Court of the City of Phoenix.

B. Civil actions to enforce this chapter may be adjudicated by a judge or a court hearing officer.

C. Any civil action to enforce this chapter WILL shall be commenced, and summons WILL shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes, City ordinances or as provided in the Local Rules of Practice and Procedure, City Court, City of Phoenix.

D. A person served with a civil citation MUST shall appear at the time and place stated in the citation or summons, or may appear prior to the time and admit or deny the allegations of the citation. Allegations not denied at the time of appearance are deemed admitted.

E. If the allegations are admitted, the MUNICIPAL eCourt WILL shall enter judgment for the City and impose a civil sanction.

F. If the person denies the allegations, the court MAY shall set the matter for hearing. Civil hearings are informal and held without a jury. The City is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person MUST shall so notify the MUNICIPAL Ceourt at least ten days prior to the hearing date. Hearings may be recorded. If the MUNICIPAL Ceourt finds in favor of the person, the MUNICIPAL Ceourt WILL shall enter an order dismissing the citation. If the MUNICIPAL Ceourt finds in favor of the City, the MUNICIPAL Ceourt WILL shall enter judgment for the City and impose a civil sanction.

G. If the person served with a civil citation fails to appear on or before the time directed to appear or at the time set for hearing by the MUNICIPAL Ceourt, the allegations WILL shall be deemed admitted and the MUNICIPAL Ceourt WILL shall enter a judgment for the City and impose a civil sanction.

H. ANY PARTY MAY APPEAL THE JUDGMENT OF THE MUNICIPAL COURT TO THE SUPERIOR COURT. APPEALS FROM CIVIL PROCEEDINGS WILL BE IN ACCORDANCE WITH THE SUPERIOR COURT RULES OF APPELLATE PROCEDURE - CIVIL. APPEALS FROM CRIMINAL PROCEEDINGS WILL BE IN ACCORDANCE WITH THE SUPERIOR COURT RULES OF APPELLATE PROCEDURE-CRIMINAL. EXECUTION OF ANY JUDGMENT WILL BE STAYED PENDING APPEAL WHEN THE DEFENDANT POSTS AN APPEAL BOND IN ACCORDANCE WITH THE ORDER OF THE MUNICIPAL COURT, OR WHEN NO BOND IS FIXED AND A NOTICE OF APPEAL HAS BEEN FILED.

27-37 Abatement; appeal.

A. If a responsible party fails to correct a violation, the City may correct or abate the condition. The abatement WILL shall be limited to the minimum work necessary to correct or remove the violation or hazard.

B. The City WILL shall determine the cost of the work performed, including actual costs of any additional inspection and other incidental connected costs.

C. An invoice for the abatement cost incurred WILL shall be prepared by the Fiscal Section of the Department and mailed to the responsible parties.

D. Failure to pay the invoice may be cause for the City to assess the property for the cost of work performed, including actual costs of any additional inspection and associated legal costs for abatement and pursue any or all means for recovery of cost if the assessment is not paid. The City shall have HAS the right to enforce the assessment in the Superior Court of Maricopa County, at any time after recording, but failure to enforce the assessment WILL shall not affect its validity. The assessment is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. Any liens or assessments filed with the County Recorder

pursuant to previous provisions of this chapter or any similar ordinance WILL shall remain in effect under the same terms and conditions that existed at the time of the recording.

E. The abatement costs incurred may be appealed to the Director for an administrative conference for review of such abatement and costs. A request for an administrative conference must be made in writing to the Director within 30 days of the abatement action. The timely filing of a request for an administrative conference WILL shall act as an automatic stay of collection of said costs until the matter is finally determined by the Director.

27-38 Conflicts of ordinances; liability.

A. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the City, the provision THAT which establishes the higher standard for the promotion and protection of the health and safety of the people WILL shall prevail.

B. In cases where two or more sections of this chapter disagree, the most stringent or restrictive WILL shall prevail.

C. When the Director or any City employee charged with the enforcement of this chapter is acting in good faith and without malice in the discharge of his duties, and if any suit IS shall be brought against the Director or City employee because of such act or omission performed by him in the enforcement of any provisions of this chapter, then such suit WILL shall be defended by the Law Department of the City until the final termination of the proceedings and any judgment resulting therefrom IS shall be assumed by the City.

27-39, 27-40 Reserved.

ARTICLE VI. SOLID WASTE DISPOSAL; FACILITIES

27-41 Definitions.

For purposes of this chapter, the following definitions apply:

Class 1: All non-liquid solid waste THAT which is loose, easily compactable matter of a unit size THAT which can be moved readily and handled by machinery or equipment used by the City in the operation of its disposal facility.

Class 2: Trees, logs, stumps, construction and demolition wastes, furniture, MATTRESSES or similar bulk wastes, parts of motor vehicle bodies of a unit size or weight difficult and costly to move, handle or compact, OR RECYCLE by REGULAR normal disposal operation OPERATIONAL MEANS. Trees, logs and stumps must be trimmed of brush and cut into pieces not exceeding four feet in length.

Class 3: Special, infectious, or hazardous waste as deemed to be hazardous by the United States Environmental Protection Agency or the Arizona Department of Environmental Quality. Non-hazardous and hazardous liquid waste is not accepted by City solid waste disposal facilities.

27-42 Disposal of special waste, lead acid batteries and motor oil.

A. Special waste is all solid waste that is listed or classified as a special waste pursuant to Arizona Revised Statutes Sections 49-851 to 49-868. Special waste WILL ~~shall~~ require prior approval from the Director and the Arizona Department of Environmental Quality before being accepted for disposal at any City solid waste disposal facility. The generator of the waste may also be required to submit an analysis of the waste, at the generator's expense, to the City for disposal approval or disapproval. Approval by the State of Arizona for the disposal of the material does not guarantee approval by the City.

B. The following wastes may be accepted at recycling/staging areas at any City solid waste disposal facility under the provisions of a recycling program: (1) lead acid batteries; (2) quantities of less than five gallons of non-contaminated motor oil from each household at one time. Non-contaminated means motor oil THAT ~~which~~ has not been mixed with hazardous waste. Solid waste that requires special handling such as ~~55~~ ~~five~~ ~~gallon~~ drums, gasoline or diesel tanks must be triple rinsed and rendered useless by cutting the containers in half or puncturing holes in the containers.

27-43 City of Phoenix solid waste disposal facility user requirements.

A. Solid waste disposal facility users must obey all traffic signs and stay on designated roadways at all times.

B. Solid waste disposal facility users are to follow all instructions given to them by City solid waste disposal facility personnel (i.e. spotters, inspectors and clerks).

C. Alcoholic beverages ARE ~~shall~~ not be allowed in any City solid waste disposal facility.

D. Solid waste disposal facility users must be dressed in proper attire, including enclosed shoes for safety reasons.

E. Solid waste disposal facility inspectors or their designee have the right to inspect any load and may, at their discretion, require a load to be dumped in a segregated area to facilitate inspection.

F. Children and animals must remain in vehicles at all times.

G. Smoking in any City solid waste disposal facility is prohibited.

H. No person ~~MAY~~shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede or interfere with any employee, contractor or authorized representative of the City who is lawfully and constitutionally engaged in the enforcement or execution of the provisions of this chapter.

I. Collection vehicles that are hauling "hot loads" must notify a responsible party at the City solid waste disposal facility before proceeding to the unloading area.

J. Scavenging, including but not limited to the unauthorized pilfering, removal, buying, selling, trading or using of material from any City solid waste disposal facility is prohibited.

K. Violating user requirements may result in refusal of service.

27-44 Disposal of infectious, radioactive and hazardous waste.

A. The requirements of these regulations shall apply to any generator of biohazardous medical waste as defined under Arizona Administrative Code R18-13-1401, as it may be amended from time to time, with the exception of a household generator residing in a private, public, or semi-public residence who generates biohazardous medical waste in the administration of self care or the agent of the household generator who administers the medical care. This exemption does not apply to the facility in which a person resides if that facility is licensed by the Arizona Department of Health Services.

B. The following materials will not be accepted at any solid waste disposal facility;

1. Regulated hazardous waste.
2. Untreated bio-hazardous waste.
3. Radioactive waste.
4. Regulated liquid waste.
5. Any other regulated waste without prior approval of the Director.

C. Bio-hazardous medical waste is any waste that is composed of, or has as a constituent, one of the following:

1. *Cultures and stocks*: Discarded cultures and stocks generated in the diagnosis, treatment, or immunization of a human being or animal or in any research relating to that diagnosis, treatment, immunization, or in the production or testing of bacteria.

2. *Human blood and blood products:* Discarded products and materials containing free-flowing blood or free-flowing blood components. *Human pathological wastes:* Discarded organs and body parts removed during surgery.
3. *Medical sharps:* Discarded sharps used in animal or human patient care, medical research, or clinical laboratories. This includes hypodermic needles, syringes, pipettes, scalpel blades, blood vials, needles attached to tubing, broken and unbroken glassware and slides and cover slips.
4. *Research animal wastes:* Animal carcasses, body parts, and bedding of animals that have been infected with agents that produce, or may produce, human infection.

D. Treated bio-hazardous medical waste is considered to be bio-hazardous medical waste that has been treated and that meets the treatment standards of Arizona Administrative Code R18-13-1415. This waste may be acceptable at solid waste disposal facilities under the following conditions:

1. Prior approval for disposal, including approval of the treatment methodology, packaging and labeling must be obtained from the Director.
2. Treatment methods and waste transportation must comply with all applicable standards set forth in Arizona Revised Statutes Title 18, Article 14.
3. If an alternative treatment method is used, the method must be registered with the Arizona Department of Environmental Quality pursuant to Arizona Administrative Code R18-13-1414 and the registration number provided prior to disposal.

E. Transporters MAY not deliver wastes to a solid waste disposal facility that are prohibited under these regulations.

F. The transporter MUST notify the solid waste disposal facility when delivering loads that may contain bio-hazardous or other prohibited wastes, and MUST identify the generator or generators of such wastes. In addition to disposal fees, failure to notify the solid waste disposal facility prior to delivering and dumping these materials will result in the assessment of a fee sufficient to recover the City's costs to properly handle these materials. This fee WILL be a minimum of 50 dollars.

G. When prohibited materials are received, the transporter and the generator, if known, will be contacted and given three hours ~~in which~~ to remove the prohibited material and any contaminated material. Contaminated loads may involve all or a portion of the load. The solid waste disposal facility superintendent, inspector, or their designee will determine the extent of contamination and how much of the load must be

removed. If the transporter or generator fails to begin removal of the contaminated materials within three hours, a disposal company will be contacted to remove it. The City will bill the transporter or waste generator for all costs incurred.

H. Failure to pay disposal charges will result in a suspension of disposal privileges until those charges are paid.

I. Disposal site privileges may be suspended for those transporters or generators found to have more than four contaminated loads delivered to a solid waste disposal facility within a twelve-month period.

27-45, 27-46 Reserved.

ARTICLE VII. SOLID WASTE FEES

27-47 Application of variances; beginning of charges.

A. The Director may adjust or waive all or part of the solid waste collection and disposal charges when unusual circumstances occur.

B. Fees prescribed by this article for residential users who meet all requirements for solid waste collection service WILL shall commence when water service is started by a customer and terminate when water service is stopped. City residents who have their own water supply must establish a "Refuse Only" account with the Water Services Department prior to receiving solid waste collection service.

27-48 Level of solid waste fees; no exceptions.

A. Monthly solid waste fees WILL shall be established by the City Council as part of the annual budget process.

B. All dwelling units that are eligible for City service, as defined in Section 27-21 MUST shall pay the fees as established in subsection ED.

D. Solid waste fees MUST shall be paid monthly.

E. The monthly solid waste fees effective ~~March 1, 2009~~ JULY 1, 2013, are as set forth below:

Level of Service		Fee Effective March 1, 2009 <u>JULY 1, 2013</u>
1.	Individual 60 or 90-gallon container; one residence	\$26.80 per residential unit
2.	Shared 300-gallon container; five or fewer	\$26.80 per residential unit

	residences	
3.	Shared 60 or 90-gallon container; two or more residences	\$24.80 per residential unit
4.	Shared 300-gallon container; six or more residences	\$24.80 per residential unit
5.	Customer requested additional 60 or 90-gallon container for convenience	\$13.40 per container
6.	Customer requested additional 300-gallon container for convenience	\$80.40 per container
7.	Per cubic yard service to schools, churches, non-profit agencies, multiple dwellings, City facilities	\$53.60 per cubic yard
<u>8.</u>	<u>COURTESY RETURN FEE</u>	<u>\$10 PER OCCURRENCE</u>

27-49 Payment of solid waste fees.

All rates and service charges are due and payable when rendered. Payment must be received by the due date printed on the bill. If payment is not received by the due date, the account is considered delinquent and subject to a late fee of three percent per month assessed on the delinquent amount. The next monthly billing invoice will indicate the past due amount, all late fees, and the current amount due. In addition to the late fees, a delinquent account is subject to discontinuance of solid waste service for non-payment. A notice of non-payment will be mailed giving the date that the solid waste service will be discontinued. If the amount identified in the notice of non-payment is not paid prior to the scheduled discontinuance date of the solid waste service, the solid waste service will be discontinued.

27-50 Credits and debits of solid waste fees.

- A. The Director may not grant credits for missed pick-ups.
- B. If an error occurs where either a customer has received City solid waste service but was not charged, or a customer was charged for solid waste service that was not received, except for missed pick-ups, a debit or credit may be approved.
- C. The Director will research the customer account to determine whether a credit or debit is owed and the amount to be debited or credited.

D. The length of time for either a debit by the City or a credit to the customer WILL shall be limited to ~~36~~^{thirty-six} months prior to the date when the customer notifies the City of the error or the date the City discovers the error.

27-51 Financial responsibility deposits.

A. As a condition of receipt of solid waste service as provided in this Chapter, customers must post a deposit if a good payment record is not established or maintained. For purposes of this section, criteria defining what constitutes a good payment record is identified in the solid waste deposit policy. A copy of this policy is on file with the Public Works Department. In such event the deposit will be an amount equal to the average billing invoices for the previous ~~12~~^{twelve} months. In the event the customer fails to post the required deposit, solid waste services will not be initiated or will be discontinued.

B. Customer accounts that do not have a billing record sufficient to calculate a deposit as provided in Paragraph A May shall be determined by using an average ~~12~~^{twelve}-month billing for similar residential or institutional accounts.

C. All deposits WILL shall be non-interest bearing. The deposit WILL shall be applied to the account within the next billing cycle after a customer has maintained a good payment record for 12 consecutive months.

D. If an account is closed at the customer's request, within 60 days thereafter, the deposit, less any amounts due and owing, will be returned to the customer.

E. Solid waste service customers classified as a "refuse only" account MUST shall post a \$50.00 deposit as a condition of receipt of solid waste service."

27-51.1 Reserved.

27-52 State and other governmentally imposed fees or taxes.

Billings and charges to customers WILL shall, where authorized, include fees or taxes imposed by the State of Arizona or other governmental entities in addition to the City fees or charges imposed under Section 27-48 and Section 27-53.

27-53 Solid waste disposal facility permits; fees.

A. All commercial users of City solid waste disposal facilities MUST shall have a City solid waste disposal permit. Permits for charge commercial users MUST shall be obtained after the applicant successfully completes a landfill user's agreement and posts a surety bond or cash deposit with the Public Works Department, Fiscal Services Section. Permits for each commercial user will be obtained from the weigh station clerks upon submission of a certified tare weight, SUCCESSFUL COMPLETION OF A

FACILITY USE APPLICATION and payment of five dollars per vehicle. THE PERMIT A sticker for charge-commercial users MUST shall be affixed to the front of the vehicle ~~on the driver's side~~. ~~Permits for commercial cash users shall be window stickers. The window sticker shall be affixed to the left side of the vehicle windshield in such a manner that~~ THE STICKER it can be easily read by weigh station clerks. A new permit must be obtained if it becomes damaged or illegible, if the vehicle's tare weight or ownership changes or if required periodically for administrative or operational purposes. At such time as the permit holder transfers ownership of the vehicle, the permit holder MUST shall return the permit to the Public Works Fiscal Services Section. Until Fiscal Services receives the permit or written notification of transfer of ownership, all charges incurred by that vehicle will be the responsibility of the original permit holder, even though the original permit holder no longer owns the vehicle. It is also the responsibility of the disposal facility user to notify the Public Works Department, Fiscal Services Section immediately of changes in the company's ownership. All charges will accrue to the current owner on file until written notification of a change is received by fiscal services.

B. Commercial users must pay disposal fees at the time of disposal or establish a charge account. To establish a charge account, the commercial user must file with Public Works Department, Fiscal Services Section, a bond or cash deposit for the benefit of the City in the sum of not less than one thousand dollars. The amount will MAY be adjusted upward according to THE user's average usage so that the bond or deposit will be the equivalent of UP TO three months charges to protect the City, BUT NOT BE LESS THAN ONE THOUSAND DOLLARS. PAYMENT HISTORY WILL BE CONSIDERED WHEN SETTING THE BOND OR DEPOSIT AMOUNT. The bond MUST shall be executed by said commercial user or firm and by a surety company maintaining an agency in the City. All bonds or deposits MUST shall be conditioned TO REQUIRE that the commercial user or firm named therein WILL shall pay the disposal fees by the last day of the billing month. If not paid by the last day of the billing month, the Director shall MAY refuse to allow the commercial user or firm to charge any further disposal fees and will deduct all outstanding charges (including delinquent fees) from the bond or deposit established. If the outstanding debt is not satisfied through the bond or deposit, the Director may deny FUTURE ELIGIBILITY FOR A CHARGE ACCOUNT AND use of City disposal facilities to the debtor. A REINSTATEMENT FEE WILL BE CHARGED TO RE-ESTABLISH THE DISPOSAL ACCOUNT.

C. The Director may require any user to return to the scales for verification of the tare weight of any vehicle.

D. To prevent the spilling or blowing of solid waste from vehicles in transit to solid waste facilities, vehicles must have their loads enclosed, covered or secured from point of origin. If the user does not comply, each vehicle ~~weighing twelve thousand five hundred pounds GVW or less~~ will be charged a ~~ten~~ 20 dollar uncovered load fee in addition to the applicable disposal fee. ~~For vehicles weighing more than twelve thousand five hundred pounds GVW, the uncovered load fee is twenty dollars.~~

E. For Class 1 solid waste, the following fee schedule ~~WILL~~shall apply:

1. ~~A fee of twenty dollars WILL~~shall be charged if the GVW is twelve thousand five hundred pounds or less and properly covered. Saturdays and Sundays are designated as free dumping days for City residents with proper identification and who are bringing in non-commercial loads of twelve thousand five hundred pounds GVW or less. On weekdays, City residential users must present the bottom half of their most recent water bill along with matching identification for free disposal of one load of twelve thousand five hundred pounds or less GVW. A RESIDENTIAL CUSTOMER PAYING FULL MONTHLY SOLID WASTE FEES MAY RECEIVE DISPOSAL OF ONE LOAD, OF UP TO ONE TON OF SOLID WASTE, EACH CALENDAR MONTH AT NO CHARGE UPON COMPLYING WITH THE FOLLOWING:
 - a. PRESENT A COPY OF THEIR CITY SERVICES BILL SHOWING THEY HAVE AN ACTIVE ACCOUNT PAYING SOLID WASTE SERVICE FEES THAT ARE CURRENT AND NOT DELINQUENT;
 - b. PRESENT PHOTO IDENTIFICATION MATCHING THE NAME OR ADDRESS ON THE CITY SERVICES BILL OR ACCOUNT;
 - c. THE LOAD MUST BE PROPERLY ENCLOSED, COVERED, OR SECURED FROM POINT OF ORIGIN TO PREVENT THE SPILLING OR BLOWING OF SOLID WASTE FROM VEHICLES IN TRANSIT TO THE SOLID WASTE FACILITIES; AND
 - d. THE CUSTOMER IS RESPONSIBLE FOR ALL FEES SHOULD THE LOAD EXCEED THE ONE TON LIMIT. ONLY ONE TON OF SOLID WASTE GENERATED FROM THE CUSTOMERS DWELLING UNIT IS ELIGIBLE FOR THE MONTHLY FEE WAIVER.
2. ~~GVW more than twelve thousand five hundred pounds and properly covered WILL~~shall be charged the greater of twenty dollars or: THE FEE WILL BE ROUNDED TO THE NEAREST DOLLAR AND WILL BE CHARGED THE GREATER OF TEN DOLLARS OR:

Disposal Site (BASE FEE)	Fee Effective March 1, 2009
27th Avenue Solid Waste Management Facility	\$38.25 per ton
North Gateway Transfer Station	\$38.25 per ton

3. If the City solid waste disposal facility user cannot verify the vehicle's tare weight, the user WILL shall be required to deposit a disposal fee THAT which will be determined by the weigh station clerk on the basis of a reasonable estimated weight. After the load has been dumped, the user is required to return to the scales so that the tare weight and actual disposal fees may be determined. If a user does not return to the scales immediately after the load has been dumped the fee in question will be forfeited to the City.

4. Loads MAY shall be estimated on the basis of tare weight in accordance with the table in Section 27-53(E)(4), when scales are inoperative. If the computerized system is not operational the option to use average weights from past history, when available, may be used.

Tare Weight (Pounds)	Estimated Types of Vehicles	Weight (Tons)
9,000—9,999	One-ton dump truck	3.00
10,000—19,999	2-2 12 ton dump trucks, solid waste collection trucks	4.25
20,000—29,999	Bin trucks, automated solid waste collection trucks	6.00
30,000 and over	Large bin trucks	8.25
30,000 and over	Semi-trucks	15.00

F. For Class 2 solid waste, the fee WILL shall be the same as for Class 1 solid waste except for the following:

1. A fee WILL shall be charged in addition to the base CLASS 1 fee for any special arrangements or processing necessary for proper disposal, RECYCLING, DIVERSION PROCESSING, SORTING, disposal monitoring and/or record handling. This fee WILL shall be CHARGED AT THE CITY'S DISCRETION UNDER A FEE STRUCTURE APPROVED FROM TIME TO TIME BY THE DIRECTOR AND PUBLISHED BY THE DEPARTMENT calculated to recover the City's cost and WILL shall be a minimum of fifty dollars.
2. City solid waste disposal facilities will accept up to five used motor vehicle tires free per year per City residential user. Tires from any other source including commercial, industrial and institutional entities may be accepted at the City's discretion under a fee structure approved by the Director FROM TIME TO TIME AND PUBLISHED BY THE DEPARTMENT.

G. Class 3 solid waste is not accepted at any City solid waste disposal facility except as provided under Section 27-42 and Section 27-44. A minimum ~~50~~fifty-dollar fee will be charged, in addition to the base fee, to recover the City's costs for additional waste handling, disposal monitoring, records handling, or other special arrangements.

H. A ~~minimum fifty dollar~~ special handling fee will be charged in addition to the base fee to recover the City's cost for additional waste handling, RECYCLING, DIVERSION PROCESSING, SORTING, disposal monitoring, records handling, ACCOUNT REINSTATEMENT, or any other special arrangements, such as:

1. Proof of destruction of materials (i.e., ~~lottery tickets, charge card receipts, etc.~~);
2. Styrofoam in excess of one cubic yard or wire, food waste, beverages and oversized materials in excess of ~~200~~two hundred pounds;
3. Loads that do not have their solid waste segregated or any solid waste THATwhich requires special handling.

I. For private, nonprofit organizations operating in the City THATwhich assist the City in the collection of bulk man-made items and operate their own identifiable fleet of trucks, an annual disposal license fee WILL~~shall~~ be assessed. This annual disposal license MAY~~shall~~ be obtained from the Director for a fee of ~~180~~one hundred eighty dollars payable for the fiscal year commencing July 1, and ending June 30. All other non-profit organizations MAY~~shall~~ be eligible for this annual disposal fee as approved by the Director.

27-54 Waiver of disposal fees.

Fees may be waived or reduced for clean soil, rubble, and CLEAN GREEN ORGANICS OR RECYCLABLE ~~other inert material~~, provided the material is approved by the Director and is beneficial to the City.

27-55 Dumping in designated areas permitted upon payment of fee.

Persons, businesses, non-profit organizations or governmental agencies, whose premises are located within the corporate limits of the City, ARE~~be~~ permitted to dispose of solid waste generated within the corporate limits of the City in an area designated by the City as a public City solid waste disposal facility upon payment of a tipping fee or upon payment of an annual license, subject to the conditions of this chapter.

27-56, 27-57 Reserved.


PASSED by the Council of the City of Phoenix this 19th day of December,

2012.



MAYOR

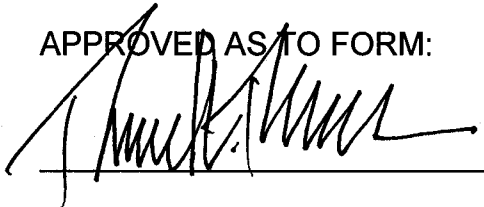
ATTEST:



City Clerk

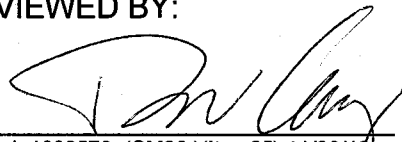


APPROVED AS TO FORM:



Acting City Attorney

REVIEWED BY:



City Manager

SLW:vh:1009578; (CM26)(Item25) 11/28/12