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APR 26 2007

MEMORANDUM

Municipal Utilities Department MUA07-041

DATE: APRIL 26, 2007

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER

FROM: DAVE SIEGEL, MUNICIPAL UTILITIES DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE NO. 3886 – AMENDING SECTIONS 44-1, 44-2, 44-4 THROUGH 44-10 OF CHAPTER 44, AND SECTIONS 50-15 AND 50-16 OF CHAPTER 50, CODE OF THE CITY OF CHANDLER RELATING TO SOLID WASTE SERVICES.

RECOMMENDATION:

Staff recommends introduction and tentative approval of Ordinance No. 3886 – amending Sections 44-1, 44-2, 44-4 through 44-10 of Chapter 44, and Sections 50-15 and 50-16 of Chapter 50, Code of the City of Chandler relating to Solid Waste.

BACKGROUND:

At the June 9, 2005 Council Meeting, Ordinance No. 3689 was approved amending Chapter 44 and Section 50-15 and 50-16 of Chapter 50 of the City Code and Resolution No. 3175 pertaining to solid waste rates and fees. These amendments were the result of recommendations provided by the Solid Waste Advisory Committee and staff. Staff advised at that time an additional ordinance revising Chapter 44 of the City Code would be brought forward to include all changes related to the closure of the landfill and miscellaneous amendments.

DISCUSSION:

Ordinance No. 3886 amends Sections 44-1, 44-2, 44-4 through 44-10 of Chapter 44, and Sections 50-15 and 50-16 of Chapter 50, to provide a clear definition of the Code's terminology and amending the City's Fee Schedule to include solid waste services and associated fees.

When the Code changes took affect last year, the City's free curbside bulk pick-up program was amended. The original program provided residents with one free bulk pick-up every six weeks.

Residents are currently eligible for two free curbside bulk pick-ups within a twelve-month period. Additional curbside bulk pick-ups are \$25. In FY05/06, there were 10,235 free bulk pick-ups, a decrease of 1,291 from the previous year. This decrease is attributed to two factors, (1) increase in recycling curbside bulk collection and (2) cost of additional bulk pick-ups. The two free bulk pick-ups are mainly for materials such as landscape, furniture and other non-recyclable materials. Recyclable material bulk pick-ups are encouraged and residents are not charged for the service.

In FY05/06, there were 505 paid bulks, an increase of 254 over the previous fiscal year. The City's contract with the residential collection contractor provides for free curbside bulk pick-ups every six weeks. In the current program when resident's requests additional paid bulk pick-ups for a \$25 fee, the City's cost for service is \$28.40. In addition, if a resident schedules their second free bulk pick-up within the six weeks of their first free bulk pick-up, the City is responsible to pay the contractor the full cost of \$28.40.

Based on staff's review of the program, taking into consideration cost factors, and an increase of resident complaints, staff would like to amend the Code to allow for free curbside bulk pick-up every six weeks as allowed in the current Waste Management contract.

In a separate action, Resolution No. 4059 is being brought forward for Council's consideration amending the City's Fee Schedule in support of the revisions in Section 50-15 of Chapter 50 of the City Code.

FINANCIAL IMPLICATIONS:

The yearly savings to the City for the bulk pick-up amendment is minimal, approximately \$5,000, and will provide improved customer service to Chandler residents.

PROPOSED MOTION:

Move that Council introduce and tentatively approve Ordinance No. 3886 -- amending Sections 44-1, 44-2, 44-4 through 44-10 of Chapter 44, and Sections 50-15 and 50-16 of Chapter 50, Code of the City of Chandler relating to Solid Waste.

Attachments:
Ordinance No. 3886

ORDINANCE NO. 3886

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTIONS 44-1, 44-2, 44-4 through 44-10 OF CHAPTER 44, AND SECTIONS 50-15 AND 50-16 OF CHAPTER 50, CODE OF THE CITY OF CHANDLER, RELATING TO SOLID WASTE SERVICES PROVIDED WITHIN THE CITY OF CHANDLER

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, that the Code of the City of Chandler is hereby amended as follows:

SECTION 1. That the definition of “secondary hauler” set forth in Section 44-1 of Chapter 44, Code of the City of Chandler, is hereby amended to read as follows:

Secondary hauler means any person engaged in a business that generates, collects, removes or hauls solid waste as a by-product of its primary business. Examples of secondary haulers include carpet installers, roofing companies; **and** landscape contractors ~~and new construction clean-up removal contractors.~~

SECTION 2. That Section 44-2 of Chapter 44, Code of the City of Chandler, is hereby amended by changing the heading from “Duties of generators and owners” to “General requirements”, amending Subsection 44-2.4 and by adding a new subsection 44-2.7, all to read as follows:

44-2. ~~Duties of generators and owners.~~ **General requirements.**

44-2.4 *Recyclable Materials.* It shall be the responsibility of persons receiving basic solid waste services to ensure that only recyclable materials are placed in recycling containers. Recyclable materials shall not be secured in plastic bags when placed in the recycling container. Placement of refuse in recycling containers is prohibited, and may result in the City replacing the recycling container with a second refuse container and charging the covered residence the additional fee **set forth by City Council resolution for this change in collection service.** ~~associated with this change in collection service set forth in Chapter 50 of this Code.~~

44-2-7. *Proper disposal.* **In addition to other federal, state and local statutes, rules and regulations limiting the disposal of solid waste, no person shall discard or otherwise dispose of any solid waste on or in a City refuse or recycling container that has not been assigned for use by that person or on or in any street, sidewalk, alley, right-of-way or other City property except as expressly authorized and approved by the Administrator.**

SECTION 3. That Subsection 44-4.3 of Section 44-4 of Chapter 44, Code of the City of Chandler, is hereby amended to read as follows:

44-4.3. Special Collections. The owner or operator of a covered residence may, in addition to the established weekly refuse collection provide as part of basic solid waste services, request a one-time special collection of their curbside refuse container upon paying the additional fee set forth **by City Council resolution for such special collection. in Chapter 50 of this Code.**

SECTION 4. That Section 44-5 of Chapter 44, Code of the City of Chandler, is hereby amended to read as follows:

44-5. Container requirements.

44-5.1. City-provided refuse and recycling containers for covered residences. The City shall provide refuse containers to all covered residences for either curbside collection or alley collection, whichever is applicable. The City will also provide curbside recycling containers to all covered residences. Covered residences shall only use City-provided refuse and recycling containers. All City-provided refuse and recycling containers are the property of the City and shall remain at the covered residence after the residence is sold or new occupants move in. The City will provide replacement containers at no additional expense to the owner or occupant of a covered residence where replacement is necessary because of normal wear and tear caused by proper usage. The owner or occupant of a covered residence will be charged the fee set forth **by City Council resolution in Chapter 50 of this Code** when replacement of a container is required because of something other than normal wear and tear caused by proper usage. At the request of an owner or occupant of a covered residence, the City will provide a second refuse container to accommodate additional curbside refuse collection for the fee set forth **by City Council resolution. in Chapter 50 of this Code.** A second recycling container will be provided to covered residences at no additional charge. The owner or occupant of a covered residence is responsible for keeping all City-provided refuse and recycling containers in a clean and sanitary condition and to use such containers only for their intended purpose.

44-5.2. Cost of solid waste containers. The initial cost of providing refuse containers and recycling containers, including the cost of assembling such containers, for newly constructed covered residences shall be set forth by City Council resolution and shall be paid by the person applying for the initial building permit for each new covered residence at the same time that the fees for the residential building permit are paid. When property with a covered residence located thereon is annexed into the City, the owner of such property shall pay the initial cost to the City of providing such property with a refuse container and a recycling container.

44-5.3 ~~44-5.2.~~ *Placement of containers.*

A. Refuse containers used for alley collection shall be placed by the City in the alley near the property line in a location determined by the administrator. No person may change these locations without prior approval by the administrator.

B. Refuse and recycling containers used for curbside collection shall be placed either in the street against the curb in front of each covered residence, or in the driveway for that residence at the curb line, away from street light poles, mail boxes and parked cars. Refuse and recycling containers shall be located in such a manner as to not create a pedestrian hazard, impair the use of the sidewalk or interfere with vehicular traffic. If parked cars prevent access by mechanized collection vehicles to the sidewalk or driveway, the containers shall be placed in the street away from such parked cars. Refuse and recycling containers must be placed in such a manner that the lids open toward the street to facilitate proper dumping of the containers into the mechanized collection vehicles.

C. If provided with written documentation from a physician setting forth the need for an accommodation, the administrator will provide reasonable accommodations for those person's needing special assistance with proper placement of containers for curbside collection. Written documentation from that person's physician must be updated on an annual basis.

D. Where mechanized collection vehicle access is restricted by the residential development design, the City shall designate the collection location for refuse and recycling containers, and bulk materials, on the nearest public street on which collection vehicles are able to operate safely. Because refuse and recycling containers from such developments will be grouped together, rather than being adjacent to a covered residence as set forth in subparagraph B above, the City shall cause house number markings to be affixed on the City-provided containers to identify the covered residence address associated with each container placed for collection. The owner or occupant of a covered residence shall place refuse and recycling containers a minimum of two (2) feet apart to facilitate automated collection.

44-5.4 ~~44-5.3~~. *Time for placement of containers.* Refuse and recycling containers used for curbside collection shall be placed at the curbside prior to 6:00 a.m. on the designated collection day, but shall not be placed at the curbside before 6:00 p.m. on the day preceding the designated collection day. Containers must be removed from the curb by 7:00 p.m. on the day of collection and shall be secured at the covered residence between collection days in such a manner that they are not readily susceptible to theft or vandalism.

SECTION 5. That Section 44-6 of Chapter 44, Code of the City of Chandler, is hereby amended to read as follows:

44.6. Collection of bulk materials.

44-6.1 *Bulk materials collected for disposal; requirements; fees.* Included as part of the monthly disposal fee for providing basic solid waste services for covered residences is the right to request the collection of bulk materials for disposal **at a frequency of up to once every six (6) weeks** ~~two (2) times within a twelve (12) month period~~ at no

additional charge. Requests for collection of bulk materials for disposal that exceed **the once every six (6) week frequency provided at no additional charge** ~~the two (2) free collections provided within a twelve (12) month period~~ shall be charged the additional fee set forth **by City Council resolution for additional bulk material disposal.** ~~in Chapter 50.~~ Palm fronds scheduled for collection for disposal shall be stacked so that the fronds face in the same direction. Tree limbs and tree trimmings shall not exceed thirty-six (36) inches in length and five (5) inches in diameter. Brush shall not exceed forty-eight (48) inches in length and twelve (12) inches in diameter. Tree limbs, tree trimmings and brush shall be bundled and stacked in an organized manner.

44.6.2 *Bulk materials collected for recycling; requirements.* Requests for collection of bulk materials for recycling shall be provided at no charge and shall not be considered a collection of bulk materials for disposal. Bulk materials collected for recycling shall be collected separately from bulk materials for disposal. Cardboard boxes collected for recycling shall be empty, flattened and stacked and refrigerators, freezers and similar appliances shall have the doors removed.

44-6.3 *Collection parameters.* Owners or occupants of a covered residence wishing to request bulk materials collection shall call Solid Waste Customer Service. Upon receipt of a request for bulk materials collection from an owner or occupant of a covered residence, the administrator will schedule a time for the collection of the bulk materials. Bulk materials shall be placed out for collection no later than 6:00 a.m. on the day scheduled for collection and no earlier than twenty-four (24) hours before the collection time scheduled by the City. Except as provided by the administrator, the quantity of the bulk materials to be collected shall **be capable of fitting into a container, not exceed the approximate size of a standard full-size pick up truckload** four (4) feet **deep, sixteen (16) by eight (8) feet wide** and four (4) feet **high in height**. White goods shall be collected separately from other bulk materials collected for recycling. The City will not accept unacceptable waste during a bulk materials collection.

44-6.4. *Placement of bulk materials to be collected.* Bulk materials shall only be collected if placed along the right-of-way behind the curb, on the property of the covered residence. Bulk materials to be collected shall not be collected when placed in public or private alleys. The placement of bulk materials must not block alley passages, sidewalks for pedestrian usage or interfere with curbside container collection **and shall be no more than four (4) feet from the sidewalk, or curb where there is no sidewalk.** Notwithstanding the above, the administrator may designate an alternative location for the placement of bulk materials to be collected where there is restricted access to the front of a covered residence, or to provide reasonable accommodations for those persons needing special assistance with proper placement. Persons in need of an accommodation shall provide the administrator with written documentation from that person's physician setting forth the need for such accommodations. Such written documentation from that person's physician must be updated on an annual basis.

44-6.5. *Christmas trees.* Christmas trees may be placed at the curbside of a covered residence for collection from December 26th through the last regular recycling collection

day of the 3rd week of January. Bulk materials collection may also be requested during this same time period. Trees shall be placed in front of each covered residence behind the curb line so as not to interfere with vehicular traffic or obstruct pedestrian traffic on or along the sidewalk. Trees shall not be placed inside a City-provided refuse container or in the alley for collection. The City may designate other collection areas, such as neighborhood drop off sites, or provide reasonable accommodations for those persons needing special assistance.

44-6.6. *Roll-off containers.* In lieu of requesting bulk materials collection, the owner or occupant of a covered residence may receive a City-provided roll-off container upon executing a City-provided form setting forth the terms and conditions of use and payment of the additional fee set forth **by City Council resolution for providing a roll-off container.** ~~in Chapter 50.~~

SECTION 6. That Paragraph B of Subsection 44-7.2 of Section 44-7 of Chapter 44, Code of the City of Chandler, is hereby amended to read as follows:

44-7.2. *Refuse drop-off zone.* The following provisions shall apply to use of the refuse drop-off zone.

B. Persons presenting documentation establishing City residency, but who are not an owner or occupant of a covered residence, are entitled to use the residential drop-off zone upon payment of the fee **set forth by City Council resolution.** ~~established in Chapter 50.~~

SECTION 7. That Section 44-8 of Chapter 44, Code of the City of Chandler, is hereby amended to read as follows:

44-8. Containers for business establishments. The City will not provide refuse or recycling containers for use by business establishments. Business establishments must either provide containers necessary for the collection of solid waste or have the commercial hauler that will collect solid waste provide the necessary containers. All containers used must have operative lids and be equipped with a lid type brace to prohibit the lid from falling behind the container and shall include decals stating that container lids must be closed at all times other than when placing solid waste in the container. Other industry standard decals required by ANSI, OSHA or other regulating agencies must also be affixed to these containers. All containers must be painted and include the name and telephone number of the commercial hauler responsible for collecting the solid waste placed in the containers legibly printed thereon. **Except where the Administrator determines that an alternative container capacity requirement satisfies the disposal requirements for a particular business establishment, the** The size of the containers utilized ~~shall must~~ be a minimum of three-fourths (3/4) cubic yard capacity per unit collected on a twice per week basis. It shall be the responsibility of the owner of the container (whether owned by the business establishment or by a City permitted commercial hauler) to maintain them in sanitary condition and in good repair and to remove any graffiti on these containers within seventy-two (72) hours following notification by a designated City representative.

SECTION 8. That Paragraphs G and H of Subsection 44-9.2, and Paragraph A of Subsection 44-9.3, of Section 44-9 of Chapter 44, Code of the City of Chandler, are hereby amended to read as follows:

44-9.2. Permit application. Applicants for a new commercial hauler permit, or for an annual renewal thereof, shall file a City-provided application form with the administrator that includes the following information, documentation and fees:

G. The nonrefundable permit application or renewal fee set forth by **City Council resolution.** ~~in Chapter 50 of the Code.~~

H. The per vehicle fee set forth by **City Council resolution.** ~~in Chapter 50 of the Code.~~ This fee shall not be refundable unless the applicant's permit application is denied by the administrator.

44-9.3 Insurance and Indemnification.

A. Applicants shall be required to submit a certificate evidencing coverage for public liability, property damage, business automobile liability and worker's compensation/employer's liability insurance in amounts and under terms to be established by the City prior to issuance of a commercial hauler permit. The coverage limits and terms imposed by the City on applicants shall not exceed the standard coverage limits and terms adopted by the City pursuant to administrative regulation. Such insurance policies shall list the City as an additional named insured and shall require that the City's Risk Manager be given a minimum **thirty (30)** ~~fifteen (15)~~ days' written notice prior to cancellation for any reason. Any deductible or self-insured retention shall be the responsibility of the permittee and any self-insurance amounts over **twenty-five ten** thousand dollars **(\$25,000.00)** ~~(\$10,000.00)~~ shall require the approval of the City's Risk Manager. The lapse of any of the above-stated insurance policies shall be cause for revocation of the permit.

SECTION 9. That Section 44-10 of Chapter 44, Code of the City of Chandler, is hereby amended to read as follows:

44-10. Violations.

Any person who violates any of the provisions of this Chapter, or any permit issued pursuant to this Chapter, shall be guilty of a civil infraction punishable as set forth in Section 1-8.7A of this Code unless such violation causes such person to meet the definition of a "Habitual Offender" set forth in Section 1-8.7B of this Code, in which case they shall be guilty of a criminal misdemeanor punishable as set forth in Section 1-8.3 of this Code. Violations of this Chapter that are continuous with respect to time are a public nuisance and may be abated through administrative enforcement pursuant to Chapter 26 of this Code or by injunctive or other equitable relief. The imposition of civil or criminal

penalties pursuant to this section shall not prevent the administrator from suspending or revoking any permit issued pursuant to this Chapter or from imposing other administrative sanctions, enforcement actions or abatement actions or from seeking injunctive relief. Violations of this Chapter may also result in the charges for special refuse service ~~set forth in Chapter 50 of this Code~~ or the additional vehicle permitting fees set forth in **this Chapter**. ~~subsection 44-9.8 of this Code.~~

SECTION 10. That Section 50-15 of Chapter 50, Code of the City of Chandler, is hereby amended to read as follows:

50-15. Fee for basic solid waste services. ~~Solid waste collection fees.~~

A. Basic solid waste services. A monthly disposal fee of fifteen dollars and seven cents (\$15.07) shall apply to all covered residences receiving basic solid waste services as set forth in Chapter 44 of this Code. The City will bill the monthly disposal fee on the water account serving each covered residence. When the owner or occupant of a covered residence does not have an active water account to bill, a utility billing account will be established. A security deposit, as specified in section 50-3, shall be required from owners or occupants of covered residences without an active water account.

B. Unoccupied residences. Covered residences under construction, not occupied, with the water account in the name of the contractor, will not be assessed the monthly disposal fee.

C. Common water account. When covered residences share a common water account, the aggregate of all of the monthly disposal fees applicable to each covered residence specified in this section will be charged to the common water account;

~~*B. Bulk materials collections.* The following bulk materials collection fees shall apply to all covered residences:~~

Service	Fee
First bulk collection by a covered residence within a 12-month period.	No Charge
Second bulk collection by a covered residence within a 12-month period.	No Charge
All other bulk collection by a covered residence within a 12-month period.	Twenty-five dollars (\$25.00) per collection event
Fee for roll-off in lieu of curbside bulk collection	One hundred seventy-five dollars (\$175.00) per roll-off plus the current price paid by the City for tipping and disposal fees.

~~C. *Additional refuse container collections.* An additional two dollars and fifty cents (\$2.50) monthly collection fee shall apply to each additional refuse container collected from a covered residence above that provided as part of the basic solid waste services provided to all covered residences.~~

SECTION 11. That Section 50-16 of Chapter 50, Code of the City of Chandler, is hereby deleted in its entirety and replaced with a new Section 50-16 to read as follows:

50-16. *Miscellaneous solid waste fees.*

All solid waste fees referenced in Chapter 44 of this Code, other than the fee for basic solid waste services set forth in Section 50-15, shall be set forth by City Council resolution. These miscellaneous solid waste fees may be billed with the monthly disposal fee when charged to a covered residence.

~~In addition to the fees set forth in Section 50-15 of this Chapter, the following fees are hereby established:~~

~~A. *Commercial refuse hauler permit fees.* A permit application fee of three hundred dollars (\$300.00) shall be charged for each applicant for a commercial hauler permit or renewal thereof. Additionally, the annual fee per collection vehicle to be charged each permitted commercial hauler is one thousand dollars (\$1,000.00) per vehicle.~~

~~B. *Multi-family disposal fee.* The fee for City residents to use the refuse drop-off zone pursuant to Chapter 44 of this Code, other than residents residing in a covered residence who may use the refuse drop-off zone at no charge, is five dollars (\$5.00) per load.~~

~~C. *Additional and replacement container costs.* The cost for replacement of a damaged refuse container or recycling container, where the damage was caused by the resident, or for an additional refuse container, is hereby established to be fifty dollars (\$50.00). There is no fee for an additional recycling container.~~

~~D. *Special collection fee.* The fee for one-time special refuse container collection requested by an owner or occupant of a covered residence pursuant to Chapter 44 of this Code, is fifteen dollars (\$15.00) per special collection.~~

~~E. *Cost of solid waste containers.* The initial cost of providing refuse containers and recycling containers, including the cost of assembling such containers, for newly constructed covered residences is one hundred forty eight dollars (\$148.00) and shall be paid by the person applying for the initial building permit for each new covered residence at the same time that the fees for the residential building permit are paid. When property with a covered residence located thereon is annexed into the City, the owner of such property shall pay the initial cost to the~~

~~City of providing such property with a refuse container and a recycling container.~~

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

Approved as to form:

MDH

CITY ATTORNEY

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. _____ 3886 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

Published: