

ORDINANCE G-5920

AN ORDINANCE AMENDING CHAPTER 27 OF THE PHOENIX CITY CODE PERTAINING TO SOLID WASTE, BY ADDING SECTION 27-27 ESTABLISHING THE RESIDENTIAL CONTAINED GREEN ORGANICS PROGRAM; MAKING CONFORMING AND CLARIFYING CHANGES; AND PROVIDING FOR AN EFFECTIVE DATE OF JULY 7, 2014.

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

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

**Chapter 27  
SOLID WASTE**

**Article I. General Provisions**

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- 27.2. Purpose and scope.
- 27.3. Powers and duties of Public Works Director.
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**Article II. Solid Waste Containment**

- 27.8. Inspection of containers.
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- 27-20. Manual solid waste collection.
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- 27-47. Application of variances; beginning of charges.
- 27-48. Level of solid waste fees; no exceptions.
- 27-49. Payment of solid waste fees.
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- 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 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, GREEN ORGANICS, and recyclables. In addition, THIS CHAPTER IDENTIFIES ~~to set fees charged by the City~~ TO RECOVER THE CITY'S COSTS TO PROVIDE ~~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, GREEN ORGANICS, 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 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 regulated by the Director.~~ In order to prohibit the disturbance of the public peace and welfare, it shall be unlawful FOR THE CITY OR A PRIVATE WASTE DISPOSAL COMPANY to collect or remove or to cause, permit, facilitate, aid, or abet the collection or removal of solid waste, GREEN ORGANICS, 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 feet of any residential dwelling unit unless reasonable ALTERNATIVE accommodations are approved by the Director.

B. For purposes of this section, "*private* WASTE DISPOSAL COMPANY" means any entity other than the City, whether commercial, nonprofit, or otherwise, collecting solid waste, GREEN ORGANICS, or recyclables.

## 27-5 Definitions.

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

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

ANIMAL WASTE: CONSISTS OF LARGE ANIMAL WASTE, RESEARCH ANIMAL WASTE, AND SMALL ANIMAL WASTE AS DEFINED HEREIN:

1. LARGE ANIMAL WASTE: IS ANIMAL WASTE, DISCARDED BEDDING OR FLOORING MATERIALS (SUCH AS STRAW OR SAWDUST), OR OTHER MATERIALS FROM YARDS, PENS, CORRALS, STABLES, OR OTHER CONTAINMENT STRUCTURES FOR DOMESTIC ANIMALS (SUCH AS CATTLE OR HORSES) OR PERMITTED WILD ANIMALS, WHICH ARE BOTH HERBIVORES AND WEIGH MORE THAN 150 POUNDS.
2. RESEARCH ANIMAL WASTE: IS ANIMAL CARCASSES, BODY PARTS, OR THE BEDDING OF ANIMALS THAT HAVE BEEN INFECTED WITH AGENTS THAT CAN CAUSE HUMAN INFECTION.
3. SMALL ANIMAL WASTE: IS ANIMAL WASTE, DISCARDED BEDDING OR FLOORING MATERIALS (SUCH AS STRAW, SAWDUST, OR PAPER) FROM YARDS, KENNELS, DOG OR CAT RUNS, CHICKEN PENS, AVIARIES, OR OTHER CONTAINMENT STRUCTURES FOR DOMESTIC ANIMALS (SUCH AS DOGS, CATS, OR FOWL - INCLUDING BIRDS, CHICKENS, DUCKS, OR GEESE), OR OTHER

TAME OR PERMITTED WILD ANIMALS, WEIGHING 150 POUNDS OR LESS.

*Ashes:* All residue from the burning of any combustible material but does not include ashes from medical waste, hazardous waste, 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 MECHANIZED lifting device.

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

*Biohazardous medical waste:* 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, or 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; and
3. *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 containing 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:* A facility identified 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 MATERIALS:* All Solid waste, GREEN ORGANICS, AND RECYCLABLES placed in DESIGNATED containers for disposal.

*Contaminated load:* Any load of solid waste, GREEN ORGANICS, or recyclables containing prohibited UNACCEPTABLE 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.

FRONT-LOAD CONTAINER: A CONTAINER RANGING FROM TWO TO EIGHT CUBIC YARDS COLLECTED BY AN AUTOMATED FRONT-LOAD VEHICLE.

*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 LARGE ANIMAL WASTE, and ~~other organic-vegetative waste,~~ DOES NOT INCLUDE PALM FRONDS OR OLEANDER MATERIAL UNLESS OTHERWISE as determined by the Director ~~from time to time~~ and published by the Department.

GREEN ORGANICS CONTAINER: IS A RECEPTACLE

1. OWNED, CLEARLY IDENTIFIED, AND ISSUED BY THE CITY TO A PERSON THAT ELECTS AND PAYS TO PARTICIPATE IN THE GREEN ORGANICS CURBSIDE COLLECTION PROGRAM; AND
2. IS USED EXCLUSIVELY FOR THE STORAGE OF GREEN ORGANICS UNTIL IT IS COLLECTED.

*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 (PCBs) and any waste so defined by the provisions of Title 49, Chapter 5, Article 2, Arizona Revised Statutes, and 40 CFR Part 261.

HOME APPLIANCE: INCLUDES BUT IS NOT LIMITED TO WASHERS, DRYERS, STOVES, DISHWASHERS, HOT WATER HEATERS, REFRIGERATORS, FREEZERS, TELEVISIONS, AND COMPUTER EQUIPMENT.

*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 Title 49, Chapter 5, Article 2, Arizona Revised Statutes, and 40 CFR 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 is ~~contaminated with~~ or may reasonably be expected to be contaminated with agents that cause or significantly contribute to the cause of increased infection or infectious disease in human beings.

*Institutional establishment:* Any school, church, nonprofit 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 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, or other domestic or permitted wild animals larger than 150 pounds that do not consume meat.~~

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

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

~~*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:* Animal tissue or any part of an animal body that has been removed by surgery, and any contaminated material such as, but not limited to, 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.

NON-COMBUSTIBLE~~Noncombustible~~ *solid waste:* Any miscellaneous solid waste materials that will not burn at ordinary incinerator operating temperatures (up to 2,000 degrees F) and are the inorganic component of solid waste.

NON-HAZARDOUS~~Nonhazardous~~ *liquid waste:* Any liquid waste defined as NON-HAZARDOUS~~nonhazardous~~ liquid waste by the Arizona Department of Environmental Quality.

NON-PROFIT~~Nonprofit~~ *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.

ORGANIC MATERIALS: SEE GREEN ORGANICS DEFINITION.

*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 businesses that hold 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 or operated by the City to provide living quarters to eligible residents.

*Public nuisance:* Anything that 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 obstructs the free passage or use, in the customary manner, of any street, alley, sidewalk, or public property.

PUBLISHED BY THE DEPARTMENT: PUBLICATION OF WRITTEN INFORMATION, MATERIALS OR DOCUMENTS BY THE DEPARTMENT IN A MANNER INTENDED TO PROVIDE NOTICE TO INTERESTED PARTIES. PUBLICATION MAY BE ACCOMPLISHED BY DIRECT MAILING, CONSPICUOUS POSTING AT CITY FACILITIES, OR POSTING ON THE CITY'S WEBSITE.

*Putrescible solid waste:* Solid waste that is capable of being decomposed by microorganisms with sufficient rapidity 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:* 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, AND 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 receptacle owned, clearly identified, and issued by the City and made available to participating recycling program 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 nonparticipant:* Recycling opt out or a resident that has been removed from the City's recycling collection program.

*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.

*Refrigerants:* 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, GREEN ORGANICS, or recyclables generated from a dwelling unit.

*Responsible party:* An occupant, lessor, lessee, agent, licensee, owner, or other person having control over a structure or parcel of land.

ROLL-OFF CONTAINER: A CONTAINER USED TO COLLECT WASTE MATERIAL THAT IS EIGHT CUBIC YARDS OR GREATER AND COLLECTED WITH A ROLL-OFF VEHICLE.

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

~~*Small animal waste:* Refuse including feces, urine 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 pounds.~~

*Solid waste:* Any garbage, bulk trash, ~~yard waste~~ and other materials or products, including putrescible and nonputrescible waste, organic and inorganic waste, combustible and noncombustible waste, and liquid nonhazardous 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 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.

UNACCEPTABLE MATERIAL: ANY MATERIAL THE CITY HAS DEEMED IMPROPER FOR COLLECTION AS DETERMINED BY THE DIRECTOR AND PUBLISHED BY THE DEPARTMENT.

*Volume based service fee:* A fee charged for collection or disposal services based on THE quantity OF WASTE MATERIAL, THE SIZE OF CONTAINER, OR BOTH.

*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, GREEN ORGANICS, or recyclables. The Director has the right to enter commercial, industrial, and institutional establishments for inspection purposes.

### **27-9 Responsibility for solid waste, GREEN ORGANICS, and recyclables.**

A. The responsible party of any premises or business establishment is responsible for their solid waste, GREEN ORGANICS, or recyclables until thOSE WASTE MATERIALS ~~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 is 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, GREEN ORGANICS, and recyclables. Except as provided in this chapter, it is a violation for any person to bury, dump, dispose, or release upon any street, alley, right-of-way, or public land any solid waste, GREEN ORGANICS, or recyclables,

including construction and demolition solid waste and tires.

**27-10 Illegal dumping of solid waste; penalty.**

A. It is 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 of this section is punishable pursuant to Section 27-35.

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 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 BEING placed 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. Nonhousehold 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 be removed and disposed of to prevent creation of a nuisance or health and safety hazard.

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

C. 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 THE

use of an alternate collection method.

D. All animal owners and custodians must 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 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 18-foot height clearance.

B. It is illegal to have any obstruction, including but not limited to parked vehicles, within 15 feet of a solid waste or recycling container placed out for collection service or to obstruct the solid waste or recycling collection operations in any other manner.

### **27-14 Solid waste, GREEN ORGANICS, or recyclables containers.**

*General statement.* The responsible party of any premises, business establishment, or industry is 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, GREEN ORGANICS, and recyclables. All solid waste, GREEN ORGANICS, and recyclables must 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 place, deposit, or allow to be placed or deposited on ~~THEIR~~ THEIR his or her premises or private property, or any public street, alley, or right-of-way any solid waste, GREEN ORGANICS, 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~~ PREMISES within the corporate limits of the City where solid waste and recyclables accumulate must ~~STORE~~ contain their solid waste, GREEN ORGANICS, and recyclables in watertight and fly-tight containers.

2. Solid waste, GREEN ORGANICS, and recyclables must 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' OBLIGATION responsibility to properly STORE contain solid waste, GREEN ORGANICS, 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 T less than one-fourth cubic yard per dwelling unit, collected twice weekly, is required. One-fourth cubic yard is equivalent to ~~50~~ 43 U.S. gallons or one-half of a City 100-gallon curbside collection container.
5. All solid waste, GREEN ORGANICS, and recycling containers must be maintained in a sanitary condition. Containers may not be stored or maintained in such a manner as to constitute a nuisance, health, or safety hazard.
6. It is unlawful for any person not authorized by the responsible party to remove, collect, or disturb the solid waste, GREEN ORGANICS, and recyclables stored in such containers or to remove from a solid waste, GREEN ORGANICS, or recycling container any solid waste, GREEN ORGANICS, or recyclables set out for collection and disposal by the City, 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 unlawful for any person to utilize the solid waste, GREEN ORGANICS, or recycling containers or receptacles assigned to other persons for the disposal of solid waste, GREEN ORGANICS, 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, GREEN ORGANICS, and recycling containers must at all times be kept secure in such a manner to prevent intrusion of moisture, infestation of insects, and scattering of solid waste, GREEN ORGANICS, or recyclables. Covers must be kept closed except when containers are being loaded or emptied.
9. Each solid waste, GREEN ORGANICS, or recycling container must 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 be placed on one side

of the alley, as determined by the Director. No container may be placed so as to restrict egress from an exit door or beneath a fire escape. No container may be placed under a street floor window unless such window is of fire-resistant construction.

11. Non-alley solid waste, GREEN ORGANICS, and recycling containers must 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 be collapsed before being placed in solid waste or recycling containers. Ashes must 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 not be placed in any solid waste, GREEN ORGANICS, or recycling container.

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

15. Pool chemical containers must 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 be bagged and securely tied before being placed in a solid waste containers. Solid waste must be drained of all liquids and tied in waterproof bags before being placed in A solid waste containers.

2. GREEN ORGANICS MATERIALS MUST BE DISPOSED OF AS SPECIFIED IN SECTION 27-24.

32. Recyclable materials must be disposed of as specified in Section 27-25.

43. Construction and demolition solid waste may not be placed in a solid waste, GREEN ORGANICS, 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 be removed promptly and may 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.

54. It is unlawful to place material in any solid waste, GREEN ORGANICS, or recycling container of a volume or weight that prevents the collection vehicle from emptying the container or that damages the collection vehicle or container. The maximum weight of material placed in any ~~90-~~ CONTAINER UP to 100-gallon ~~container~~ may not exceed 200 pounds. The maximum weight of material placed in a 300-gallon container may not exceed 500 pounds.

65. It is unlawful for any person not authorized by the City to utilize for other than its intended purpose the lid from any solid waste, GREEN ORGANICS, or recycling container.

C. *Commercial user requirements.*

1. The owner or responsible party of any commercial or privately owned recycling, SOLID WASTE, OR GREEN ORGANICS container placed on private property, alley or in the City right-of-way is responsible for maintaining the area within a 25-foot radius around the container or bin in a sanitary condition, and preventING THE scattering or blowing around of materials deposited.

2. Commercial users must, 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 or recyclables. Such bins or compactor bins must 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 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 have a capacity in excess of 32 gallons, or are accessible to the general public, must be identifiable by indicating the responsible party's name and telephone number on the container and must meet all City zoning and permit requirements. The container identification must be LEGIBLE ~~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 will, upon request of the Director, be required to show documentation of the method of collection and removal of solid waste or recyclables they generate.

**27-15 Condemnation of containers; removal.**

A. If USE OF a solid waste, GREEN ORGANICS, or recycling container is in violation of this chapter and presents a health or safety hazard, the Director may issue a notice of violation to the responsible party. Notification may 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 the right to remove the solid waste, GREEN ORGANICS, 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 must maintain the sidewalk, alley, or street free from: ~~any accumulation of solid waste.~~

1. THE ACCUMULATION OF SOLID WASTE;
2. TREES, SHRUBS, OR BRUSH IMPEDING PEDESTRIAN OR VEHICULAR TRAFFIC; AND
3. OTHER CONDITIONS THAT PRESENT A HEALTH, FIRE, OR SAFETY HAZARD.

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

1. Any portion of a street, that 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 will be in accordance with the Maricopa County Health Code and the Arizona Department of Environmental Quality Regulations.
- B. Collection days will 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 are provided to the residents for no other purpose than as solid waste, GREEN ORGANICS, or recycling containers.
- E. The Director will decide on which side of the alley and where the containers will be placed. Residents receiving curbside service must 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 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 include, but are 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(S) assigned to their property.
- H. All containers issued by the City for use in conjunction with an automated loading device 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 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 be liable ~~FORTO pay~~ the replacement or repair cost.
- I. Only the Director is authorized to remove any City-owned solid waste, GREEN ORGANICS, or recycling container from its assigned location. It is 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 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 unlawful to place or permit containers to remain adjacent to the curb except upon regular collection days. Containers must 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 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 must be maintained by the responsible party in a sanitary condition and must be thoroughly cleaned as needed.

1. Containers may not be less than ten nor more than 32 gallons capacity each. They will 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 may not be affixed to any attachment such as carts, fences, poles, stands, or similar objects. Containers must 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 must have a

capacity of not less than ten gallons nor more than 32 gallons and be sufficiently strong and free from tears or leakage. Bags must be securely tied and not weigh more than 30 pounds when placed out for collection.

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

**27-21 Residential collection.**

A. The City will 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 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 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 be performed if, in the opinion of the Director, the terrain presents a safety hazard for equipment operators or collection vehicles. The Director has the right to limit the number of containers.
8. Dwelling units that generate in excess of 0.50 cubic yards of SOLID 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.

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 multi-family dwelling units, except as provided in subsection A.2 of this section.

**27-22 Residential bulk trash placement and collection services.**

A. It is unlawful to place bulk trash out for collection more than SEVEN (7) DAYS ~~one week~~ prior to the scheduled COLLECTION DATE. ~~"collection begins date."~~ ~~This one week period includes the two weekends prior to the scheduled "collection begins date."~~

B. GREEN ORGANICS MUST BE SEPARATED FROM BULK TRASH.

~~CB.~~ Bulk trash must be placed out for collection no later than 6:00 a.m. on the scheduled ~~"collection begins date."~~ COLLECTION DATE.

~~DC.~~ Bulk trash placed out for collection must be in neat stacks.

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

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

~~GF.~~ The amount of bulk trash placed for collection may not exceed a total uncompacted volume of 20 cubic yards PER COLLECTION.

~~HG.~~ Items of bulk trash that are acceptable for normal residential collection are:

1. GREEN ORGANICS

- a. PROVIDED IT IS SEPARATED FROM OTHER BULK TRASH ITEMS, AND THE WASTE MATERIAL IS EITHER:
- b. ~~Tree limbs and branches~~ Less than four feet in length and 12 inches in diameter and palm fronds; OR
- c. BAGGED OR BOXED LEAVES, WEEDS, AND GRASS;

2. Metal material 20 pounds or less;
3. Pipe(S) less than one inch in diameter and less than four feet in length;
4. HOME APPLIANCES THAT DO NOT CONTAIN REFRIGERANTS  
Manufactured items;
5. ~~Bagged or boxed leaves, weeds, grass, small vegetation clippings and hedge clippings;~~
56. Twenty-five pounds or less of construction and demolition solid waste generated by a resident; and
67. Cardboard boxes.; AND

7. PALM FROND OR OLEANDER TRIMMINGS AND CLIPPINGS PROVIDED THEY ARE (1) SEPARATED FROM OTHER BULK TRASH ITEMS, AND (2) LESS THAN FOUR FEET IN LENGTH AND TWELVE INCHES IN DIAMETER.

IH. Items of bulk trash that are not acceptable for normal residential collection include:

1. ~~Tree limbs and branches more than four feet in length or 12 inches in diameter;~~
2. ~~Metal material in excess of 20 pounds;~~
3. ~~Pipe more than one inch in diameter or more than four feet in length;~~
14. Any item containing refrigerants;
25. Unbagged leaves, weeds, AND grass and small vegetation and hedge clippings;
36. More than 25 pounds of construction and demolition solid waste generated by a resident or any amount generated by a contractor;
47. Cement, cement blocks, brick, asphalt, stones, and dirt;
58. Lead acid batteries or any hazardous, infectious, or medical solid waste;
69. Vehicle or equipment parts in excess of 20 pounds;
740. Motor vehicle tires or tires of any other type; and

844. All mattresses or furniture ~~known to be or suspected of being infested with bed bugs.~~

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

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

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

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

**27-23, 27-24 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 may not be bagged or bundled.

### **27-26 Residential recycling program nonparticipants and participant removal from program.**

A. Residents not participating in the "Phoenix Recycles" program will receive once-



per-week collection of solid waste. Nonparticipants 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 ~~nonrecyclable~~ NON-RECYCLABLE MATERIAL ~~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.~~

#### B. PROGRAM COMPLIANCE

RESIDENTIAL CUSTOMERS NOT IN COMPLIANCE WITH THIS ARTICLE WILL BE REMOVED FROM THE PROGRAM AND INFORMED OF SUCH IN WRITING.

#### C. ELIGIBILITY/REINSTATEMENT

1. RESIDENTIAL CUSTOMERS REMOVED FROM THE PROGRAM MAY REAPPLY AFTER A 12 MONTH PERIOD FROM THE DATE OF REMOVAL. THE DIRECTOR MAY WAIVE THIS PERIOD BASED UPON A DETERMINATION THAT SPECIAL CIRCUMSTANCES EXIST AND THAT IT WOULD BE IN THE BEST INTEREST OF THE CITY TO ALLOW EARLY RE-APPLICATION.
2. THE PUBLIC WORKS DIRECTOR MAY CHARGE A FEE TO DISTRIBUTE RECYCLING CONTAINERS.

#### **27-27. RESIDENTIAL CONTAINED GREEN ORGANICS PROGRAM**

- A. UNDER THE RESIDENTIAL CONTAINED GREEN ORGANICS PROGRAM, THE CITY WILL PROVIDE RESIDENTIAL CUSTOMERS, THAT ELECT TO PARTICIPATE AND PAY A MONTHLY FEE, A CLEARLY IDENTIFIED CONTAINER IN WHICH TO PLACE SPECIFIED RESIDENTIAL GREEN ORGANICS AS DEFINED IN SECTION 27-5. SPECIFIC COLLECTION DAYS ARE DESIGNATED BY THE DIRECTOR.
- B. GREEN ORGANICS PLACED IN THE DESIGNATED CONTAINER MAY NOT BE BAGGED OR BUNDLED AND SHALL CONFORM TO ALL CONTAINED

GREEN ORGANICS PROGRAM POLICIES AND THE LID MUST BE FLY TIGHT.

C. PROGRAM COMPLIANCE

FOR THE SAFETY OF CITY PROCESSING STAFF, RESIDENTIAL CUSTOMERS NOT IN COMPLIANCE WITH THIS ARTICLE WILL BE REMOVED FROM THE PROGRAM.

D. ELIGIBILITY/REINSTATEMENT

1. RESIDENTIAL CUSTOMERS REMOVED FROM THE PROGRAM MAY REAPPLY AFTER A 12 MONTH PERIOD FROM THE DATE OF REMOVAL. THE DIRECTOR MAY WAIVE THIS PERIOD BASED UPON A DETERMINATION THAT SPECIAL CIRCUMSTANCES EXIST AND THAT IT WOULD BE IN THE BEST INTEREST OF THE CITY TO ALLOW EARLY RE-APPLICATION.
2. THE DIRECTOR MAY CHARGE A FEE FOR GREEN ORGANICS CONTAINERS.

~~27-27, 27-28~~ Reserved.

**ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

**27-29 Authority to enforce.**

The Director will enforce the provisions of this chapter. In addition, the Director is authorized to abate conditions that 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 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 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 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 not thereby become obligated to give such additional notice thereafter in the same or other situations.

D. Nothing in this section requires 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 act as an automatic stay of enforcement of the notice of violation until the matter is finally determined by the Director.

**27-34 Threats and intimidation.**

No person may, 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 \$100.00 nor more than \$2,500.00.
- 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 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 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 may be imposed for a violation of this chapter, the responsible party will be liable for all costs that 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 be limited to the minimum work necessary to remove the hazard.

**27-36 Jurisdiction of court.**

- A. Jurisdiction of all proceedings to enforce this chapter will 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 be commenced and summons will 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 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 Court will enter judgment for the City and impose a civil sanction.

F. If the person denies the allegations, the Court may 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 so notify the Municipal Court at least ten days prior to the hearing date. Hearings may be recorded. If the Municipal Court finds in favor of the person, the Municipal Court will enter an order dismissing the citation. If the Municipal Court finds in favor of the City, the Municipal Court will 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 Court, the allegations will be deemed admitted and the Municipal Court will 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 be limited to the minimum work necessary to correct or remove the violation or hazard.

B. The City will 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 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 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 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 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 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 establishes the higher standard for the promotion and protection of the health and safety of the people will prevail.

B. In cases where two or more sections of this chapter disagree, the most stringent or restrictive will 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 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 be defended by the Law Department of the City until the final termination of the proceedings and any judgment resulting therefrom is 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 nonliquid solid waste that is loose, easily compactable matter of a unit size that 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 waste, furniture, mattresses or similar bulk waste, parts of motor vehicle bodies of a unit size or weight difficult and costly to move, handle, compact, or recycle by regular 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. Nonhazardous 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 Sections 49-851 to 49-868, Arizona Revised Statutes. Special waste will 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 waste 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; AND (2) quantities of less than five gallons of noncontaminated motor oil from each household at one time. "Noncontaminated" means motor oil that has not been mixed with hazardous waste. Solid waste that requires special handling, such as 55-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 not 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, 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 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 biohazardous waste;
3. Radioactive waste;
4. Regulated liquid waste; AND;
5. Any other regulated waste without prior approval of the Director.

C. Biohazardous 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.
3. *Human pathologic waste:* Discarded organs and body parts removed during surgery.
- ~~43.~~ *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.
- ~~54.~~ *Research animal waste:* Animal carcasses, body parts, and bedding of animals that have been infected with agents that produce, or may produce, human infection.

D. Treated biohazardous medical waste is considered to be biohazardous 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 Title 18, Article 14, Arizona Revised Statutes.
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 waste to a solid waste disposal facility that is prohibited under these regulations.

F. The transporter must notify the solid waste disposal facility when delivering loads that may contain biohazardous or other prohibited waste, and must identify the generator or generators of such waste. 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 \$50.00.

G. When prohibited materials are received, the transporter and the generator, if known, will be contacted and given three hours 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 12-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 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 be established by the City Council as part of the annual budget process.

~~AB.~~ All dwelling units that are eligible for City service, as defined in Section 27-21, must pay the fees as established in subsection D of this section.

~~BC.~~ Solid waste fees must be paid monthly.

~~CD.~~ The monthly solid waste fees effective July 1, 2014~~3~~, are as set forth below:

<i>Level of Service</i>		<i>Fee Effective July 1, 2014<del>3</del></i>
1.	Individual <del>60- or 90-</del> gallon <u>SOLID WASTE</u> container; one residence	<del>\$26.80</del> <u>\$23.80</u> per residential unit
2.	<u>INDIVIDUAL 90-GALLON SOLID WASTE CONTAINER; ONE RESIDENCE</u>	<u>\$26.80 PER RESIDENTIAL UNIT</u>
3.	Shared 300-gallon <u>SOLID WASTE</u> container; five or fewer residences	\$26.80 per residential unit
4.	<del>Shared 60- or 90-</del> gallon container; two or more residences	<del>\$24.80</del> per residential unit
5.	<del>Shared 300-</del> gallon container; six or more residences	<del>\$24.80</del> per residential unit
6.	Customer requested additional <del>60- or 90-</del> gallon <u>SOLID WASTE</u> container for convenience	\$13.40 per container
7.	Customer requested additional 300-gallon <u>SOLID WASTE</u> container for convenience	\$80.40 per container
8.	Per cubic yard service to schools, churches, <u>AND</u> nonprofit <u>ENTITIES</u> <del>Agencies, multiple dwellings, City facilities</del>	<del>\$53.60 per cubic yard</del> <u>SEPARATE FEE STRUCTURE PUBLISHED BY THE DEPARTMENT</u>
9.	<u>PER CUBIC YARD SERVICE TO GOVERNMENT FACILITIES AND CITY FACILITIES</u>	<u>SEPARATE FEE STRUCTURE PUBLISHED BY THE DEPARTMENT</u>
10.	<u>SERVICE TO MULTIPLE DWELLINGS</u>	<u>SEPARATE FEE STRUCTURE PUBLISHED BY THE DEPARTMENT</u>
11.	<u>CUSTOMER REQUESTED 90-GALLON GREEN ORGANICS CONTAINER FOR CONVENIENCE</u>	<u>\$5.00 PER CONTAINER</u>
12.	Courtesy return fee	\$10.00 per occurrence
13.	<u>CONTAINER EXCHANGE AND/OR REMOVAL FEE</u>	<u>\$10.00 PER OCCURRENCE*</u>

<i>Level of Service</i>		<i>Fee Effective July 1, 2014<sup>3</sup></i>
14.	<u>SPECIALIZED COLLECTION</u>	<u>SEPARATE FEE STRUCTURE PUBLISHED BY THE DEPARTMENT</u>

\* Effective January 1, 2016.

**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 nonpayment. A notice of nonpayment will be mailed giving the date that the solid waste service will be discontinued. If the amount identified in the notice of nonpayment 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 be limited to 36 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 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 subsection A of this section may be determined by using an average 12-month billing for similar residential or institutional accounts.

C. All deposits will be non-interest bearing. The deposit will 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 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, 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 Sections 27-48 and 27-53.

#### **27-53 Solid waste disposal facility permits; fees.**

A. All commercial users of City solid waste disposal facilities must have a City solid waste disposal permit. Permits for charge commercial users must 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 \$5.00 per vehicle. The permit sticker for commercial users must be affixed to the front of the vehicle in such a manner that the sticker 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 return the permit to the ~~DEPARTMENT Public Works Fiscal Services Section~~. Until THE DEPARTMENT 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 ~~DEPARTMENT 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 THE DEPARTMENT~~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 THE DEPARTMENT~~Public Works Department, Fiscal Services Section~~, a bond or cash deposit for the benefit of the City in the sum of not less than \$1,000.00. The amount may be adjusted 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 \$1,000.00. Payment history will be considered when setting the bond or deposit amount. The bond must be executed by said commercial user or firm and by a surety company maintaining an agency in the City. All bonds or deposits must be conditioned to require that the commercial user or firm named therein will 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 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 will be charged a \$20.00 uncovered load fee in addition to the applicable disposal fee.

E. For Class 1 solid waste, the following fee schedule will apply:

1. 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 customer's dwelling unit is eligible for the monthly fee waiver.

2. The fee will be rounded to the nearest dollar and will be charged the greater of \$10.00 or:

<b><i>Disposal Site (Base Fee)</i></b>	<b><i>Fee Effective March 1, 2009</i></b>
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 be required to deposit a disposal fee that 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 be estimated on the basis of tare weight in accordance with the table in this subsection, 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.

<b><i>Tare Weight (Pounds)</i></b>	<b><i>Estimated Types of Vehicles</i></b>	<b><i>Weight (Tons)</i></b>
9,000— 9,999	One-ton dump truck	3.00
10,000— 19,999	2—2 1/2 ton dump trucks, solid waste collection trucks	4.25
20,000— 29,999	Bin trucks, automated	6.00

<b><i>Tare Weight (Pounds)</i></b>	<b><i>Estimated Types of Vehicles</i></b>	<b><i>Weight (Tons)</i></b>
	solid waste collection trucks	
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 be the same as for Class 1 solid waste except for the following:

1. A fee will 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, or record handling. This fee will be charged at the City's discretion under a fee structure approved ~~from time to time~~ by the Director and published by the Department.
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 Sections 27-42 and 27-44. A minimum \$50.00 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 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;
2. Styrofoam in excess of one cubic yard or wire, food waste, beverages, and oversized materials in excess of 200 pounds;
3. Loads that do not have their solid waste segregated or any solid waste that requires special handling.



I. For private, nonprofit organizations operating in the City that assist the City in the collection of bulk manmade items and operate their own identifiable fleet of trucks, an annual disposal license fee will be assessed. This annual disposal license may be obtained from the Director for a fee of \$180.00 payable for the fiscal year commencing July 1, and ending June 30. THE ANNUAL DISPOSAL LICENSE PROVIDES APPROVED ORGANIZATIONS DISCOUNTED DISPOSAL AT CITY DISPOSAL FACILITIES FOR ITEMS COLLECTED FROM CITY OF PHOENIX RESIDENTS THAT CANNOT BE REUSED OR RECYCLED. MATERIALS COLLECTED FROM BUSINESSES AND COMMERCIAL OPERATIONS OR OUTSIDE THE CITY OF PHOENIX DO NOT RECEIVE DISCOUNTED DISPOSAL. ~~All~~Other nonprofit organizations BENEFITTING CITY SOLID WASTE OPERATIONS may be eligible for ~~this annual~~DISCOUNTED disposal fees as approved by the Director.

**27-54 Waiver of disposal fees.**

Fees may be waived or reduced for clean soil, rubble, ~~clean~~ green organics or recyclable 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, nonprofit organizations, or governmental agencies, whose premises are located within the corporate limits of the City, are 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.**

SECTION 2. The amendment to Chapter 27 of the Phoenix City Code as set forth in this ordinance shall be effective and enforceable July 7, 2014.

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PASSED by the Council of the City of Phoenix this 28<sup>th</sup> day of May, 2014.

Greg Stanton

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Cris Meyer

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia Boland

Acting City Attorney

REVIEWED BY:

\_\_\_\_\_  
Ed Zuercher

City Manager

SLW/ab:1126269;(CM#27)(Item#18);Agenda 5/28/14