

## CHAPTER 15

### GARBAGE, REFUSE, AND RECYCLING

#### Section 15-1. Definitions.

*"Approved type garbage can"* as used herein, means a receptacle furnished by the City of Temple.

*"Approved Recycling Container"* as used herein, means a recycling receptacle furnished by the City of Temple.

*"Business"* as used herein, means any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

*"City Landfill" or "Landfill"* as used herein, means the City's waste disposal facility located at 706 Landfill Road, Temple, Texas 76501.

*"Collection Cycle"* as used herein, means those days of the week or month that are specified by the City for the collection of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, or junk and bulk items.

*"Dry garbage"* as used herein, means nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber (but not tires), plastics, yard trimmings, leaves and similar materials; noncombustible rubbish includes glass crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600E-1800E Fahrenheit).

*"Out of Cycle Collection"* as used herein, means the collection by the City of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, junk and bulk items on any day other than the specified collection cycle days.

*"Recycling"* as used herein, means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, composted, or processed, and returned to use in the form of raw materials in the production of new products.

*"Recycling Drop-off Center"* as used herein, means a location, either temporary or permanent, established for the receipt of recyclable solid waste including, but not limited to, aluminum, cardboard, metal, paper, glass, and plastic.

*"Recycling Program"* as used herein, means the organized collection of recyclable materials for the purpose of resource recovery and recycling in pursuit of the goals of the City.

*"Small Quantity Commercial Solid Waste Generator"* as used herein, means a place of business that generates a volume of non-wet garbage that will not require over two (2) pickups per week of a one-half (½) cubic yard container (an example would be a small barber shop, small fix-it shop, or small business), as determined by the Solid Waste Division.

*"Special Pickup"* as used herein, means the out of cycle collection of solid waste by the City at the request of the customer and, for which, a fee is assessed.

*"Wet (putrescible) garbage"* as used herein, means animal or vegetable matter, such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotels, rooming and boarding houses, such as scraps of meat, bread, bones, peelings of fruit and vegetables.

### **Section 15-2. Containers Required--For Wet and Dry Garbage.**

- (a) Each owner, occupant, tenant or lessee using and occupying any residence, building, house or structure within the corporate limits of the City as a place of abode or as a place of business is hereby required to keep and maintain, at all times and at a convenient place at his house, dwelling or place of business, if his business is of a type which accumulates wet and dry garbage in connection with the operation of same, adequate disposable garbage containers in sufficient numbers to properly receive and hold all wet and dry garbage, which includes grass clippings and leaves, being disposed of from his premises. Each such garbage container shall be made of plastic or other disposable material and of good sound construction and shall be capable of being secured from leaking and be flytight.
- (b) In areas of the City served by City furnished containers, the disposable containers will be placed, unbroken, into the furnished containers.
- (c) It is the responsibility of the customer to keep their container clean (residential only).

### **Section 15-3. Wet Garbage to be Placed in Proper Container.**

Each person in the City having wet garbage to be disposed of is hereby required to place the same in a garbage container meeting the requirements of Section 15-2, and all wet garbage shall at all times be stored in such a container. It is hereby declared to be unlawful for any person to place any wet garbage on the ground or in an open box or container or to store same in any receptacle other than a container meeting the requirements of Section 15-2.

### **Section 15-4. Condition of Container**

All containers shall be the property of the City and must not be painted, marked, abused, mutilated, altered, or modified in any way. Abuse and damage to a container by customers shall result in an assessment equal to the replacement cost of the container and/or time and materials involved to repair such container. Examples of abuse include, but are not limited to, overloading the container beyond the rated capacity, fire damage caused by hot coals and/or ashes, painting or marking the container in any manner.

### **Section 15-5. All Containers to be Kept Covered.**

All wet and dry garbage that is to be disposed of shall be placed inside the City provided container in such a manner that the lid will close to prevent litter, spillage or entry of vectors. No items shall be draped over, hanging out or protruding from the container. Items that will not fit inside the container shall be broken down into smaller pieces that will fit inside or be placed at the curb for bulk item collection in accordance with Section 15-15. Overloaded containers shall be subject to an additional fee charged to the monthly utility bill for that residence. Lids shall only be opened while emptying additional garbage in such

containers or while an authorized person is removing such garbage or unloading the same for disposal.

**Section 15-6. Rocks and Dirt not to be Placed in Containers.**

No rocks or dirt shall be placed in any containers maintained in accord with this Chapter.

### **Section 15-7. Disposal of Manure, Offal, Remodeling Material and Other Waste Not Collected by City.**

Manure from private stables, offal and refuse from animals and fowl, night soil, dead animals and fowl, refuse from the remodeling of buildings, rocks, dirt, concrete and all other waste not mentioned in Section 15-1 must be kept in a suitable receptacle separate from the containers required by this Chapter for garbage and not dumped in the alleys or retained on the premises so as to become a nuisance, and the same shall be disposed of by the owner thereof. It shall be the duty of the Director of Solid Waste Services to see that such refuse is properly disposed of by the owner when so ordered. Such refuse shall be hauled away from the premises of the owner at his own expense and by his own means; and such refuse shall not be considered "garbage" and shall not be picked up by the garbage trucks of the City except as part of the roll off system.

### **Section 15-8. Unauthorized Usage of City Furnished Containers.**

Any person or persons, firm or corporation placing garbage or refuse in a container not specifically assigned to that person, firm or corporation shall be guilty of a misdemeanor.

### **Section 15-9. Preparation of Brush, Shrubs, Tree Trimmings and Cuttings for Collection by City.**

- (a) Items placed within eight (8) feet of the curb line of the street shall be considered a request for service.
- (b) All leaves and lawn cuttings, tree trimmings and cuttings shall be placed in the City furnished containers insofar as is possible and the container's capacity will allow.
- (c) All other brush, shrubs and tree cuttings that cannot be effectively disposed of in the container shall be placed behind the curb within three (3) feet of the curb line of the street. Items cannot be placed under any low lines or wires or tree limbs and must be at least 6 feet from any other object (mail box, car, garbage containers, etc.).
- (d) Brush and tree trimmings shall be placed in a separate pile from any bagged or boxed items or bulky items. Mixed brush and bulk at the curb will constitute a special pickup and a special pickup fee will be assessed.
- (e) A special pickup may be requested and/or required for out of cycle brush/bulk collection or to pickup items that are not normally collected with this service (remodeling, demolition or building materials or when there is no water service at location). Setting out an item on a "non-cycle" day will constitute a request for service and special pickup charges shall apply. Special pickup charges are set by resolution of the City Council.
- (f) Private (professional/commercial) tree trimmers must register their businesses with the City and will be required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.
- (g) Homeowners are encouraged to practice backyard composting and the *Don't Bag It Programs* for grass clippings, leaves and vegetation.

- (h) Utility companies franchised by the City in easements or right-of-way accepted by the City or otherwise authorized to provide utility service are exempted from the provisions of this ordinance for the purposes of trimming/removing trees for emergency conditions that endanger public safety and welfare by interfering with utility service or during the course of reestablishing utility service. Franchised utilities will coordinate emergency operations with the Director of Solid Waste Services. Utilities will not be charged for disposal of emergency response brush. Utility companies are required to haul their trimmings due to routine maintenance and dispose of or recycle the trimmings.

**Section 15-10. Collection by City Generally; Private Collection of Brush, Etc.**

(a) The collection of garbage in the City is the responsibility of the Solid Waste Division, the employees of which will make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter.

(b) It is unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, through a franchise agreement with the City. Such agreement will provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection will be regulated by the City Council by resolution.

(c) The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise is allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the Director of Solid Waste Services and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

(d) The private collection and hauling of construction waste is allowed, notwithstanding the provisions of this section. For the purposes of this Chapter, “construction waste” means construction or demolition debris, litter, garbage, rubbish, refuse, trash, and/or solid waste or materials generated by residential construction activities. Entities engaged in the hauling of construction waste, pursuant to this subsection, must register their businesses with the Director of Solid Waste Services. All construction waste collected in the City must be hauled to the City’s landfill or other site designated by the Director of Solid Waste Services.

(1) Construction waste hauling is only allowed in the City pursuant to subsection (d) if the person, firm or corporation is providing construction waste hauling services on residential construction sites at which the person, firm or corporation is also performing job site cleaning, which includes, but is not limited to, cleanup of construction sites for new residential construction, demolition and cleanup of existing residential structures, and landscaping, grading or tractor services.

**Section 15-11. Placement of Containers for Collection.**

The owner, occupant or lessee of any premises within the corporate limits of the City shall maintain the garbage containers as outlined in this section:

- (a) The City will, in selected locations as determined by the Director of Solid Waste Services and approved by the Director of Public Works, place containers of varying capacity for the collection of garbage. Each person, firm or corporation shall be notified by the Director of Solid Waste Services of the container location assigned to that person, firm or corporation. The use of other containers except by permission of Solid Waste Services is not permitted.

The criteria for placement of containers will be as follows:

- (i) Containers will be placed in the alleys in the central area to serve all business activities.
  - (ii) Additional containers will be placed in the alleys serving residential accounts to the extent that they can economically be serviced.
- (b) City-furnished containers in alleys shall conform to the following requirements:
    - (i) The Director of Solid Waste Services shall place the appropriate sized containers in such a manner that they will serve three (3) or more residential accounts.
    - (ii) The allocation of containers for commercial activities will be on a volume-needed basis. Where there are a number of small volume businesses contiguously located, the Director of Solid Waste Services shall place an appropriate sized container to serve these commercial accounts. Where the volume of garbage from any commercial account is sufficient to justify a separate container for that establishment, the Director of Solid Waste Services shall so place a container at that location.
  - (c) Where there is not an open alley abutting the rear property line of any premises, the occupant shall place the garbage containers for collection within three (3) feet of the curb line of the street immediately abutting the front property line of the premises, or, in the event the premises is a corner lot the containers shall, upon request of the Director of Solid Waste Services, be placed within three (3) feet of the curb line of the side street. Provided, however, no commercial containers shall be allowed on the street right-of-way. In the event the geography of any lot such as slope, etc., prevents garbage containers from being placed as hereinabove provided, the Director of Solid Waste Services may allow said garbage to be placed for collection at a convenient location of said lot. All garbage containers must be placed by the curb by 7:00 a.m. on scheduled garbage days and must be removed from the curb by 8:00 p.m. on scheduled garbage collection days.
  - (d) Notwithstanding conflicting provisions herein, apartment projects and mobile home parks may place garbage containers at a designated location within the project or mobile home park for collection. The location shall be subject to the approval of the Director of Solid Waste Services.
  - (e) Unless otherwise instructed, garbage containers that are equipped with wheels shall be placed on the street with the wheels against the curb and a clearance of six (6) feet on both sides, two (2) feet to the rear and fourteen (14) feet above. If there is no curb the

container shall be placed on the pavement or roadway as close as safely possible to the right of way with the wheels and handle facing away from the road.

- (f) Alley containers will be positioned with the lid or lids opening toward the alley so they may be properly emptied. Turning or moving alley containers is prohibited.
- (g) Containers which were not collected because they were not placed at the curb or collection point as required are considered “missed containers.” Customers with “missed containers” can receive collection services for an additional fee.

### **Section 15-12. Collection Charges.**

Collection charges for solid waste services shall be set by resolution of the City Council.

### **Section 15-13. Billing; Failure to Pay.**

The charges fixed in this Chapter for the removal and disposal of garbage and dumping of garbage at the sanitary landfill shall be entered as a charge against each owner, occupant or lessee on the water and wastewater bills of the City. Should any person fail or refuse to pay the charges fixed against him and his place of abode or his place of business when due, the City shall be authorized to cut off and disconnect the water and wastewater services to his place of abode or business against which such garbage pickup fees have been fixed and assessed, and, in addition thereto, shall be authorized to discontinue garbage pickup services until such fees have been paid in full.

### **Section 15-14. No Credit for Vacancy of Premises.**

No credit will be given on the garbage collection charges fixed by this Chapter to any owner, occupant or lessee of any residence or place of business for vacancy thereof, unless the City is notified by such person and such person requests the City to disconnect or stop water, wastewater and garbage service to such premises.

### **Section 15-15. Junk and Bulk Items.**

The Solid Waste Division will collect from residential customers old furniture, appliances, junk, and bulk items placed at the curb on regular brush/bulk collection schedule.

- (a) Small items shall be placed in the City furnished container insofar as is possible and the container’s capacity will allow.
- (b) Items that cannot be effectively disposed of in the City container shall be placed behind the street curb within eight (8) feet of the curb line of the street. Items should not be placed under any low wires or limbs and shall be placed at least six feet from any other objects (mailboxes, cars, garbage containers, etc.). Items placed in violation of this provision shall constitute a request for service.
- (c) Bagged, boxed or bulky items, furniture and appliances shall be placed in a separate

pile from brush and tree trimmings as they are handled separately. Mixed bulk items with brush and tree trimmings will constitute a special pickup for which a fee will be assessed.

- (d) A special pickup may be requested and/or required for out of cycle collection or collection of items that are not normally collected with this service (remodeling, demolition or building materials or when there is no water service at the location). Items set out on non-collection days will constitute a request for service for which a special pickup charge will be assessed. Special pickup charges are set by resolution of the City Council.

#### **Section 15-16. Streets and Alleys not to be Used for Storage.**

It shall be unlawful for any person to place, store or abandon garbage, lumber, junk, refuse, furniture, appliances, leaves or brush within any alley or upon any street within the city limits.

#### **Section 15-17. Salvaging Prohibited.**

It shall be unlawful for any person(s) to salvage any items from any refuse container, alley container or curb side container within the city limits of the City of Temple.

#### **Section 15-18. Inspections to Enforce Ordinance.**

As a condition of receiving garbage service from the City, the Director of Solid Waste Services or his designee shall have the right to inspect customer containers, as needed, to determine whether garbage is being properly disposed of and to file a complaint against any person violating any provision of this Chapter.

#### **Section 15-19. Hauling Garbage to Sanitary Landfill.**

Should any person haul all or part of his garbage to the sanitary landfill, he shall nevertheless be required to:

- (a) Pay garbage collection fees and dumping fees in accordance with the provisions of this Chapter;
- (b) Dump his garbage at the sanitary landfill in accordance with and subject to the rules and regulations of the Solid Waste Division and the Temple Landfill;
- (c) Dump his garbage in the area designated by the Temple Landfill;
- (d) Prevent any garbage from falling onto any street, alley or thoroughfare in the City. All loads of loose material shall be covered, enclosed or secured in such a manner so as to prevent such material from blowing or falling upon public roadways en route. Persons bringing unsecured loads to the landfill will be subject to a twenty dollar (\$20.00) surcharge per load or as set by the City's contractor, Waste Management of Texas, Inc. Properly bagged trash will be considered to be covered.



- (e) All commercial, industrial or institutional haulers are required to prominently mark by painted sign or other easily recognizable method both doors of the passenger compartment of their vehicles with the name of their firm or institution, or in lieu of signs, require their drivers, upon arriving at the sanitary landfill scales, to immediately dismount and report to the scale operator the name of said firm or institution.

#### **Section 15-20. Fees and Use of Sanitary Landfill.**

- (a) The City of Temple Landfill is operated by Waste Management of Texas, Inc., under a lease agreement between the City of Temple and Waste Management. A copy of the lease agreement, dated March 16, 2011 is on file in the Office of the City Secretary, and available for inspection by the public. Tipping or dumping fees for use of the Landfill are set by Waste Management subject to the terms and conditions of the agreement between the City and Waste Management. The agreement also authorizes Waste Management to charge additional handling charges for certain types of special waste.
- (b) Residents of the City who present a paid City water bill, which includes a garbage collection charge, dated within sixty (60) days of the date of presentment, shall be entitled to dump without charge one (1) time each calendar month garbage that is normally collected by the City from residences. This section does not authorize free dumping of manure, offal, remodeling, demolition, or construction materials or other waste not collected by the City from its residential customers. City customers dumping with a paid water bill under this section are limited to loads not in excess of one pickup truck. Customers may request prior authorization from the City's Director of Solid Waste Services to bring more than one load of garbage to the Landfill under this subsection. Without prior approval of the Director of Solid Waste Services for dumping in excess of once per month, or for loads containing unauthorized solid waste, customers shall pay the current tipping charge. This subsection does not require Waste Management to accept for disposal any materials not authorized for disposal in a Type I landfill.

#### **Section 15-21. Exemption from Residential Service Requirement.**

Notwithstanding any other provision of this Chapter, the Director of Solid Waste Services may grant exemptions in areas of the City zoned for agricultural use from the requirement in this Chapter that all residences within the City have garbage service. Residents may request an exemption in writing from the Director of Solid Waste Services. The request signed by the owner of the property in question must demonstrate that the residence is adequately served by an alternate method of solid waste disposal that does not create a public nuisance or threaten public health and safety. The decision by the Director of Solid Waste Services whether to grant an exemption shall be final. The Director of Solid Waste Services shall make regular inspections of any exempted residential property to ensure that a nuisance or threat to public health and safety is not being created.

#### **Section 15-22. Collection of Solid Waste Outside the City.**

The Director of Solid Waste Services is authorized to collect solid waste from residential customers outside the City under the conditions contained in this section. The Director of Solid Waste Services must receive a request for service, and the residence to be served must be located on or near a City solid waste collection route for City residents. The decision by the Director of Solid Waste Services whether to provide service outside the City

limits to residential customers shall be final. The charge for service outside the City limits shall be 1.25 times the in-City rate for the same service.

### **Section 15-23. Carry out service for residents.**

City residents who for health reasons establish to the satisfaction of the Director of Solid Waste Services that they are unable to physically place their container curbside for collection, and who live alone or have no one residing with them physically able to place the container curbside, are eligible for carry out service. The Director may in appropriate circumstances require a statement from the resident's personal physician verifying the need for carry out service. Re-enrollment shall be required annually. At such time as the situation changes wherein an able-bodied resident becomes available, carry out service terminates and containers must be placed at the point of collection in order to be serviced. The container for carry out service shall be placed near the front of the house, at a point visible from the street so as to be safely accessible by the operator, and not more than fifty feet from the curb of the street. Containers for carry out collection shall not be placed inside fenced areas or a garage without approval from the Director of Solid Waste Services.

### **Section 15-24. Garbage only accounts.**

Residential and commercial customers within the City not serviced by water or wastewater service shall be treated as Garbage Only customers. To arrange for such service, each customer shall provide necessary information to establish such account and pay a deposit at the Utility Business Office. Rates for Garbage Only services are set by Resolution of the City Council of the City of Temple, Texas. Garbage Only accounts are subject to the late payment, disconnection, forfeiture of deposit, returned check, and reconnect provisions pertaining to water and wastewater accounts under Chapter 38 of the City Code.

### **Section 15-25. Rental Properties, evictions, move-outs.**

In cases of rental properties, any charges for special pickups shall be billed to the owner of the property, the responsible party, or the responsible property management office.

### **Section 15-26. Cul-de-sacs.**

There will be no parking allowed in cul-de-sacs or circles on garbage or recycling collection days. Parking blocks collection containers, limiting access or preventing collection. Collection will not be provided when such is the case.

### **Section 15-27. Lost or Damaged Containers.**

A fee may be applied to replace a lost or damaged garbage container or recycling container.

### **Section 15-28. Recycling Drop-off Center.**

- (a) The City may operate one or more citizen drop-off sites for recyclable materials. Materials brought to a drop-off site shall be placed in the designated receptacle, or as directed by a site attendant. Materials shall not be left at drop-off sites during non-operational or non-public access hours.
- (b) It shall be the duty of any person using City recycling drop-off centers or special collection events, to follow all traffic, safety, and directional signs, site operating rules and verbal directions, or directions posted or given within any City drop-off site at all times. Only materials authorized for acceptance at the site are allowed. Failure to comply will constitute a violation of this chapter and may result in denial of access to these locations.

**Section 15-29. Curbside Recycling Program.**

- (a) Participation in the City's curbside recycling program is voluntary. Anyone who chooses to participate agrees to abide by the rules and requirements set by the Director of Solid Waste Services. Failure to comply with these guidelines may result in forfeiture of all privileges to participate in the curbside recycling program.
- (b) A curbside recycling fee is included in the monthly utility fee for residential garbage service. There is no additional fee charged for participation in the residential curbside recycling program.
- (c) Recycling containers for the residential curbside recycling program will be provided by the City.

**Section 15-30. Recycling Container Placement.**

Unless otherwise instructed, recycling containers that are equipped with wheels shall be placed on the street with the wheels against the curb and a clearance of six (6) feet on both sides, two (2) feet to the rear and fourteen (14) feet above. If there is no curb the container shall be placed on the pavement or roadway as close as safely possible to the right of way with the wheels and handle facing away from the road. All recycling containers must be placed by the curb by 7:00 a.m. on scheduled recycling days and must be removed from the curb by 8:00 p.m. on scheduled recycling collection days.

**Section 15-31. All Recycling Containers to be Kept Covered.**

All recyclables shall be placed inside the curbside recycling container in such a manner that the lid will close to prevent litter, spillage or entry of vectors. No items shall be draped over, hanging out or protruding from the container. Lids shall only be opened while placing additional recyclables in such containers or while an authorized person is removing such recyclables or unloading the same for processing.

**Section 15-32. Inspections to Enforce Ordinance.**

As a condition of receiving residential curbside recycling service from the City, the Director of Solid Waste Services or his designee shall have the right to inspect customer containers, as needed, to determine whether recyclable materials are being properly disposed of and to file a complaint against any person violating any provision of this Chapter.

### **Section 15-33. Recycling Collection Outside the City.**

If the customer has qualified for garbage collection service as stated in Section 15-22, the customer will also qualify for curbside recycling collection with no additional fee.

### **Section 15-34. Recycling Carry Out Service for Residents.**

If the customer has qualified for garbage carry out service as stated in Section 15-23, the customer will also qualify for curbside recycling carry out service with no additional fee.

### **Section 15-35. Curbside Recycling for Garbage Only Accounts.**

If the customer has qualified for a garbage only account as stated in Section 15-24, the customer will also qualify for curbside recycling collection with no additional fee.

### **Section 15-36. Curbside Recycling Acceptable Materials.**

- (a) Customers are provided a green recycling container in which to place specified items (“recyclables” or “recyclable materials”). All items must be acceptable under applicable laws and regulations and the City’s contracts with purchasers of recyclable materials. Customers participating in the recycling program receive once-per-week collection of recyclable materials. Specific collection days are designated by the Solid Waste Division.
- (b) Acceptable recyclable materials shall be designated by the City, and include:
  - (i) Newspaper, mixed office paper, magazines;
  - (ii) Corrugated cardboard, pasteboard products (without liners);
  - (iii) Aluminum, tin, steel cans;
  - (iv) Plastic bottles, and most plastics labeled #1-#7; and
  - (v) Other materials as may be designated by the Director of Solid Waste Services.
- (c) Recyclables should be rinsed and free of contaminants.
- (d) Recyclables shall be placed in the container loosely and not bagged.
- (e) At the discretion of the Director of Solid Waste Services or his designee, a recycling container shall not be collected if the recycling container is contaminated with any of the following:
  - (i) Garbage
  - (ii) Glass
  - (iii) Styrofoam

- (iv) Plastic Bags
  - (v) Appliances
  - (vi) Clothing
  - (vii) Toys
  - (viii) Dead Animals
  - (ix) Yard waste including grass clippings, leaves or trimmings
  - (x) Household Hazardous Waste; or
  - (xi) Any other materials as may be designated by the Director of Solid Waste Services.
- (f) Contamination of a recycling container with any of the materials listed above is considered a violation of this Chapter and may result in confiscation of a customer's recycling container as set forth in Section 15-37.

**Section 15-37. City Confiscation of Recycling Container.**

- (a) If a recycling container is not serviced due to the conditions detailed in Section 15-34, the Solid Waste Division shall notify the customer to which the recycling container is assigned in writing when and for what reason the recycling container was not serviced. Customers receiving notification of no service shall have the option of removing the contaminated material from the container and placing the container out for collection on the next recycling collection day.
- (b) If the violation in (a) is observed a second time within six (6) months of the first violation, the customer to which the recycling container is assigned will receive a verbal warning and a second written warning regarding the violation. If the violation is observed a third time within the same six (6) month period, the customer will receive written notice that his container will be confiscated by the City within forty-eight (48) hours.
- (c) A recycling container that has been confiscated as set forth in this section will be returned to the customer upon payment of the re-delivery fee.

**Section 15-38. Non-Participation in the Curbside Recycling Program.**

Residents not participating in the City recycling program will receive once-per-week collection of garbage. This section includes residents that voluntarily do not wish to participate. It also includes residents that have been removed from the program due to habitual violation of this code.

**Section 15-39. Fees.**

The City Council authorizes the City Manager, or his designee, to establish the fees to be applied for replacement of a lost or damaged container, to replace a confiscated recycling container, for a second 96-gallon garbage or recycling container, for an overloaded container and for a missed container.

**Section 15-40. Curbside Recycling by City Generally.**

Residential curbside recycling collection in the City shall be a part of the duties of the Solid Waste Division, the employees of which shall make periodic pickups throughout the City from the recycling containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect residential recyclable materials in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate.

**(REVISED: Ordinance No. 2013-4621, December 5, 2013)**  
**(REVISED: Ordinance No. 2016-4801, September 1, 2016)**