

CHAPTER 21: GARBAGE DISPOSAL

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21.01 Purpose

The City deems it to be in the best interest of the citizens, and necessary to preserve public health, safety, property values, and city streets and alleyways, to license both residential and commercial haulers of all solid waste whom operate within city limits. The City Council of the City of Arlington hereby ordains:

21.02 Licenses

That the City shall grant up to three (3) licenses authorizing haulers to pick up mixed residential solid waste within city limits. The City shall grant such licenses in its own discretion, after considering whether the services being offered, the prices for such services, and the equipment, personnel and reputation and experience of the haulers are the best available for the citizens and in keeping with city needs and policies.

21.03 Applications

All haulers wishing to be licensed under this ordinance shall submit an application to the City Administrator on forms and at times as approved by the City Council. Licenses will be issued for each calendar year. The yearly license fee shall be set by the City Council from time to time by resolution, and shall be paid before the license is issued. There shall be no refund of any license fee once paid. No license may be sold, transferred or assigned by the hauler to which it is issued.

21.04 Mixed Residential Waste Pickup

Mixed residential solid waste, for the purpose of this ordinance, is defined as waste generated by any dwelling unit of up to four separate family living quarters, to include solid waste, rubbish and garbage of any kind accumulated in the operation of a normal household. This may include organic matter such as grass, leaves and tree trimmings collected on a yard, but the City shall not require any licensee to pick up such organic material. No hazardous waste shall be included in this collection system. Licensee shall be required to offer large item pickup service for such things as sofas, mattresses, and other non-hazardous items, under a separate extra charge system.

21.05 Recyclables

Recyclable materials shall be picked up at curbside in a commingled fashion as part of the service to be offered by the licensees, to be delivered back into the recycle stream in a manner and place in keeping with state and local regulations.

21.06 Disabled Customer Service

No licensees shall refuse service to any residential customer because the customer cannot physically move the refuse containers to a designated pickup point. Licensees shall make available to such persons a valet pickup at the door of the residence if requested, but may charge a reasonable extra fee for such service.

21.07 Commercial Refuse Pickup

To preserve city streets and alleys, and to promote public safety and the neat appearance of the community, the City shall designate at the time of each license issuance the days of the week, times of day, and routes to be used by the licensee in conducting the collection activity, taking into consideration the needs of the customers, the reasonable convenience of the hauler, and the volume of collection needed.

21.08 Commercial Refuse Pickup

Haulers of commercial refuse, which is defined as refuse created by any residence exceeding four family living units or any business enterprise, are not allowed to operate within city limits unless they are licensed under this Ordinance. The City will limit the number of commercial haulers to six (6) within city limits. The city shall grant such licenses at its own discretion, taking into account the reputation and experience of the haulers. If more than six commercial haulers with reputation and experience acceptable to the city apply for a license under this ordinance, the first six such haulers who have submitted a completed application to the city shall be awarded said licenses.

21.09 Regulations

The City license activity under this ordinance is intended to allow the City to screen refuse haulers serving city customers, and to provide those haulers with the rules and regulations of hauling solid waste within city limits. The City shall not participate, regulate or have any responsibility for any record keeping, billing, tax payments, or any other obligations of the licensees in the normal running of their business. The licensees shall obey all county, state, federal, and any other government agency rules and regulations that pertain to their industry.

21.10 Dumpsters

The City hereby imposes the following rules regarding the use of dumpsters within city limits:

A. Definitions. "Refuse Dumpster or Dumpster" is any portable container used or designed for collection of, transportation of, or disposal of refuse, waste, construction/demolition materials, or the like. Refuse dumpster shall include, but is not limited to, "roll off" boxes or containers, collection bins, tubs, and portable storage containers.

B. License Requirements. The company owning and emptying the dumpster within city limits must be licensed to operate within the City.

C. Rules:

- (1) Dumpsters must be well maintained and in good working condition, displaying the name or logo and telephone number of the owner of the dumpster, and be suitably supported at each contact point to prevent damage to paved surfaces.
- (2) Dumpsters must be covered when materials inside are easily airborne, pose a hazard, emit an odor or are otherwise offensive.
- (3) Debris must be placed inside the dumpster; not along side or on top of it.
- (4) All dumpsters are required to be emptied when full. For the purpose of this ordinance, full is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status, and is not emptied within seven (7) calendar days shall be considered in violation of this ordinance.
- (5) Cleaning dumpsters on the street or sidewalk is not permitted.

D. Dumpsters in the Public Right-of-Way.

- (1) A dumpster placed in the public right-of-way must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the dumpster must have a flasher or reflector on the outside corner on both sides. Type I or Type II barricades can be used as an alternate to flashers or reflectors.
- (2) Dumpsters shall not block a public sidewalk or be placed in a location that restricts the "sight lines" of an intersection. "Sight lines" will be determined by the Streets Supervisor.
- (3) Dumpsters placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than ninety (90) days. An extension of the 90 day rule may be allowed with written permission from the City.
- (4) No dumpster shall be placed on streets, sides of streets or areas designated as "No Parking". Dumpsters shall not be placed in public parking lots or parks without prior written permission from the City.

- (5) The owner and/or the user of a dumpster on a public right-of-way **is/are** responsible for any public property, street, curb and gutter, or public infrastructure damage.
- (6) No dumpster shall be placed in the public right-of-way during the winter snow season, defined for this purpose of this ordinance as the period from November 1 to the next following April 1.

E. Denial of Dumpster Use.

- (1) The City Council may deny the use of dumpsters in the public right-of-way if the dumpster is too wide to allow public safety vehicles through, or due to any other traffic concerns.
- (2) The City Council may also deny the use of dumpsters to protect public health or safety concerns.

F. Violation of This Ordinance. Any violation of this ordinance is a misdemeanor.

- (1) The City may remove or have a container removed from the public right-of-way, if the container is in violation of this ordinance.
- (2) The owner of the container, or if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the City in removal, storage fees and disposal of any container and its contents.
- (3) If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.
- (4) The City shall not release a container from storage until all amounts due under this section have been paid.

21.11 Penalty

Any violation of this ordinance or the specific terms under which a license is issued under this ordinance shall be considered a misdemeanor, punishable by the fines and other penalties established under state law for misdemeanors in effect on the date the violation occurs. The City reserves the right to cancel any license issued under this ordinance for good cause at any time, as determined by the City Council.