

## CHAPTER 107

# RECYCLING

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**107.01 PURPOSE.** The purpose of this chapter pertaining to recycling is to promote recycling by maintaining residential recycling programs for single-family dwellings and by requiring property owners of multi-family dwellings and dwelling units not otherwise served by residential recycling programs to provide facilities for the source separation of recyclable materials. Any person engaged in the collection, processing and marketing of recyclable materials within the City or who collects solid waste within the City, and all persons who produce solid waste and/or recyclable materials shall be subject to the provisions of this chapter.

**107.02 DEFINITIONS.** For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. “Collection” means the transportation of residential waste from the place it is generated and includes all activities up to the time the waste is delivered to a recycling facility or a sanitary disposal project for the disposal of solid waste.
2. “Collector” means any person authorized by the City to collect, transport and dispose of residential waste or recyclable materials.
3. “Container” means a reusable receptacle used for the collection and storage of recyclable materials.
4. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or intended to be used, for living, sleeping, cooking and eating.
5. “Multi-family dwelling” means a structure containing more than one dwelling unit.
6. “Multi-family premises” means real property on which any multi-family dwelling or combination of dwelling units sharing common driveways is located.
7. “Recyclable material” means newspapers, corrugated containers, magazines, catalogs, mail, kraft bags, bimetal and ferrous cans, aluminum cans, clear glass containers, high density polyethylene (HDPE) (excluding

motor oil bottles) and polyethylene terephthalate (PETE), whether alone or in combination.

8. “Recycling” means the separation, collection, processing, recovering and sale or reuse of materials which would otherwise be disposed of as residential waste.

9. “Recycling facility” means any facility employing a technology that is a process that separates or recovers reusable materials that can be sold or reused by a manufacturer as a substitute for or a supplement to virgin raw materials.

10. “Residential waste” means any garbage, refuse, rubbish and other similar discarded solid, liquid, semisolid or contained gaseous material resulting from domestic activities of dwelling units and the operation of multi-family dwellings.

11. “Single-family dwelling” means a structure containing one dwelling unit only.

12. “Source separation” means the separation of recyclable materials from the residential waste stream at the point of waste generation.

**107.03 ESTABLISHMENT OF RECYCLING PROGRAM.** A recycling program is established for the source separation, collection and recycling of recyclable materials generated within the City in accordance with the following:

1. Single-family Dwellings. Collectors shall maintain residential recycling programs for single-family dwellings in connection with the collection of solid waste. Collectors shall set forth in the application for a solid waste collector’s license a summary description of the recycling program which must be approved by the City Manager. To the extent that a residential recycling program required under this chapter is already being provided by a third party provider, such as the Metro Waste Authority or any other similar entity, such recycling program shall be deemed to satisfy the requirements of this chapter.

2. Multi-family Dwellings. Owners of multi-family dwellings and dwelling units which are not otherwise served by a residential recycling program shall be required to provide containers for the source separation of all recyclable materials generated on multi-family premises and shall arrange for the collection of recyclable materials to be transported to a recycling facility. Collection of recyclable materials shall be made at least twice per month, or more often as necessary, as determined by the City Manager or designee.

3. Program Development, Implementation and Operation. The collector which contracts for the private collection and disposal of solid waste on multi-family premises shall be responsible for developing, implementing and operating the residential recycling program. Collectors subject to the provisions of this chapter shall make such reports to the City as the City Manager directs, in his or her sole discretion.

**107.04 COLLECTION AND TRANSPORTATION OF RECYCLABLE MATERIALS.** Any person transporting recyclable materials within the City shall prevent or remedy any spillage from containers or vehicles used in the transport of such recyclable materials. Such vehicles or containers shall not be overfilled and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. Such vehicles shall also be so constructed, loaded and driven as to prevent any portion of the load from falling out upon the streets or highways. Collectors shall collect and remove all recyclable materials from the containers on multi-family premises and shall return the containers to the multi-family premises and shall return the containers to the multi-family premises in a manner so as not to create a public nuisance.

**107.05 DUTY TO PROVIDE STORAGE.** Every owner or entity which contracts for the private collection and disposal of solid waste from multi-family premises must provide and keep, at all times, a sufficient number of containers to hold all recyclable materials which may accumulate during the intervals between collection of such recyclable materials by the authorized collector. Containers may be located on-site or on adjoining, adjacent or contiguous premises with the permission of the affected property owner or otherwise in accordance with this chapter. Owners of multi-family dwellings shall insure that each dwelling unit has access to the containers and that the containers are sufficient to hold all recyclable materials accumulated by the occupants of the dwelling units during the intervals between collection.

**107.06 STORAGE CONTAINERS.** All recyclable materials accumulated by owners and/or occupants of multi-family dwellings shall be placed in containers which are durable, water tight and made of metal or plastic. Each container shall be clearly marked with both the recycling symbol and the type of material(s) to be deposited in the container. The containers shall remain on the multi-family premises at all times and shall be kept in a clean condition and in good repair. The containers to be furnished by the collector shall be acceptable to the City Manager or other designee. The storage of recyclable materials shall not result in the creation of a public nuisance. Containers shall have lids if necessary to avert a public nuisance or protect the marketing quality of recyclable materials. Such lids must remain closed except when recyclable materials are being placed in or removed from the containers.

**107.07 LOCATION OF STORAGE CONTAINERS.** Containers for collection at multi-family dwellings using private collection shall be located on the multi-family premises at places agreed upon by the owner or occupant of the multi-family premises and the authorized collector. Such location shall not interfere with private or public sidewalks, walkways, driveways, roads, streets, highways or entrances and exits of private or public buildings and shall be in compliance with all applicable laws. Containers which are on wheels to facilitate their movement shall remain blocked at all times while unattended to prevent unintentional movement.

**107.08 PREPARATION OF RECYCLABLE MATERIALS AND PLACEMENT FOR COLLECTION.** For the residential recycling program,

recyclable materials for single-family or two-family dwellings shall be placed in containers provided by the recycling program and placed at the curb for collection on the same collection day as the regularly scheduled collection day for solid waste, unless the resident has elected to pay an additional fee for house-side collection service and has obtained a sticker or placard authorizing house-side collection from the single collector. In the event house-side collection has been arranged for recyclable materials, the containers for solid waste and recyclable materials shall be placed outdoors for collection at some easily accessible place not more than ten (10) feet from the front of the single or two-family dwelling, or a garage serving such building, on the same collection day as the regularly scheduled collection day for solid waste. For multi-family dwellings including more than two dwellings, recyclable materials shall be separated and prepared in a manner consistent with recycling market requirement and placed at a designated area separate from residential waste for collection at such time and date as may be agreed upon between the collector and the owner of the multi-family premises.

**107.09 ENFORCEMENT.** Failure to comply with the terms or provisions of this chapter constitutes a municipal infraction, subject to a civil penalty as provided in Chapter 4 of this Code of Ordinances.

**107.10 RESIDENTIAL RECYCLING PROGRAM BILLING PROCEDURES.** For the residential recycling program applicable to single-family and two-family dwellings, the fees for the collection of the recyclable materials shall be billed to residents together with the solid waste collection fee in accordance with Sections 106.09 through 106.11. The monthly charges for collection of recyclable materials shall be paid whether the occupant of the residential premises utilized the recycling collection program or not. The fees to be charged shall be for collection service at the curb, unless a resident elects to pay an additional fee to obtain house-side collection of solid waste and recyclable materials.

**107.11 PENALTY.** Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

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