

**Sec. 39-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Basic garbage collection service* means automated collection service, recyclable material collection service, and other basic collection services.

\* \* \*

*Residential unit customer* means a resident of a residential unit that is eligible for basic garbage collection service.

\* \* \*

**Sec. 39-49. Collection from nonresidential units.**

\* \* \*

(f) There is hereby imposed the fee stated for this provision in the city fee schedule per calendar month or any portion thereof for automated collection service under this section. The fee for each additional automated service container or occasional extra capacity service tag requested shall be those set forth in section 39-62(a) of this Code and shall be paid annually in advance in accordance with billing procedures established by the director; provided that upon presentation of a city water account number and advance payment of the first monthly extra capacity service fee for each additional automated service container requested, a water customer of the city desiring extra capacity service may be billed monthly pursuant to section 39-6668 of this Code. City collectors are not authorized to receive payment of any fee. No extra capacity service shall be rendered to any person who has failed to make payment in advance.

\* \* \*

**Sec. 39-62. General specifications.**

(a) The following specifications and service conditions shall apply to ~~residential units serviced by city collectors~~ residential unit customers who receive basic garbage collection service and extra capacity service:

- (1) **Containers.** ~~The department shall provide loan, without charge, one automated service container and one automated recycling container to the resident(s) of each residential unit customer serviced by city collectors. The monthly fee for the provision, management and use of the containers for basic garbage collection service is stated in the city fee schedule. The fee shall be paid annually in advance by the residential unit customer in accordance with billing procedures established by the director; provided~~

that upon presentation of a city water account number, the city may bill the basic garbage collection service fee to the residential unit customer's city water account on a monthly basis.

- (1a) **Extra capacity.** Upon request, and subject to the requirements of 39-63(2)(b), ~~the resident(s) of a residential unit~~ customer shall be provided up to two additional automated service containers upon advance payment by money order or cashier's check of the monthly extra capacity service fee per automated service container stated for this provision in the city fee schedule. A city water customer who desires to contract for billing of the extra capacity service fee through the customer's city water account may provide the director the customer's city water account number and advance payment of the first monthly extra capacity service fee for each additional automated service container requested. Thereafter, a monthly charge for each additional container will be billed through the customer's water account. Each additional automated service container shall bear an extra capacity sticker containing serial or other identification numbers and shall be issued by the department for a minimum service period of 12 months.
- (2) **Replacement for damage or loss of container.** The department will replace a container at no charge to ~~the property owner~~ a residential unit customer, if:
- a. It is damaged beyond use by city collectors; or
  - b. It is lost as a result of a disaster for which the mayor has declared a local state of emergency or local state of disaster; or
  - c. It is lost as a result of a severe weather event that results in localized flooding for which the mayor has determined that fees for container replacement will not be charged.
- (3) **Replacement due to routine wear.** The department will replace a container due to routine wear when necessary at no charge to ~~the property owner~~ a residential unit customer, but not more frequently than once every ten years, and will provide a second replacement within the same time period at a reduced cost only if:
- a. ~~The property owner~~ residential unit customer requesting a second container is a senior citizen over the age of 65; or
  - b. ~~The property owner~~ residential unit customer is enrolled in the department's pickup for persons with disabilities program as identified in Section 39-80.

For these categories of ~~property owners~~ residential unit customers, the replacement fee shall be waived for a second replacement and only the delivery fee shall be charged.

- (4) **Replacement for other reason.** ~~Except as provided~~ For a container that requires replacement for reasons other than those stated in items (2) and (3) of this subsection, the department shall replace a ~~property owner's~~ residential unit customer's container upon payment therefor by the ~~property owner~~ residential unit customer using any payment method described in item (1a) of this subsection. The cost for container replacement includes the container delivery fee in addition to the city's actual cost to purchase the replacement container, each as set forth in the city fee schedule.
- (5) **City container not in compliance.** Only a city container that is ~~in compliance with~~ directly provided by the department to the residential unit customer under the department's residential service program, extra capacity service program, or non-residential service program will be serviced by the city. Any other city container presented by a residential unit customer for service ~~that is not in compliance with one of the said programs~~ will be retrieved by the city at the ~~property owner's~~ residential unit customer's expense. The retrieval charges include the costs of retrieval and cleaning the improperly acquired container. The ~~property owner~~ residential unit customer will be assessed a container cleaning fee, which includes the cost of disposal of contents, and a container retrieval fee, each of which is set forth in the city fee schedule. The department shall invoice the ~~property owner~~ residential unit customer for the fees assessed by this subsection, which must be paid using any payment method described in item (1a) of this subsection.
- (b) Operators of private collection services may establish different specifications as to the size, weight and construction of containers which they will pick up, provided that the specifications conform to section 39-61 of this Code.
- (c) For purposes of conducting pilot programs to evaluate new solid waste disposal and recycling technologies, the director may establish different specifications as to the size, weight, and construction of containers that the city will pick up in certain areas of the city, provided that the specifications conform to section 39-61 of this Code.
- (d) The director may establish service routes and/or designated areas of the city which receive semi-automated collection service such as on one-way streets which have residential units on the left-hand side of the street and therefore cannot be served by the city's standard automated sideloader trucks.
- (e) In connection with pilot programs, the department may loan automated service containers, automated recycling containers or related equipment to ~~residents~~ residential unit customers for their use in placing garbage, trash and recyclable material for collection by the department.
- (f) All collection equipment provided by the city shall remain the property of the city, and it shall be the responsibility of each ~~person~~ residential unit customer who

receives that equipment to exercise reasonable care with respect to the maintenance and use of the equipment.

(g) It shall also be the duty of each person who receives automated service containers and other equipment to store the equipment in a secure place where it will not be visible to a person standing in the right-of-way of any public street adjacent to the property where the equipment is used, except while placed for collection in accordance with this chapter. It is a defense to prosecution under this subsection that the person's property is so configured that no location exists for storage of the equipment in a place where it is not visible to a person standing in the right-of-way of a public street adjacent to the property.

**Sec. 39-63. Eligibility for basic garbage collection service.**

The following residential units shall be eligible for basic garbage collection service:

- (1) Except as provided in item (2) of this section, residential units abutting a public street;
- (2) A development or subdivision containing private streets, permanent access easements or shared driveways, that has 25 residential units or less, shall be eligible to receive ~~automated~~ basic garbage collection service, provided at least one residential unit located within such development or subdivision is adjacent to or abuts at least one public street and has direct access to that public street, if:
  - a. The development or subdivision has at least ten feet of frontage on a public street, not including the driveway, for each residential unit within the development or subdivision; or
  - b. The development or subdivision contains an area that:
    - [1] Contains two distinct five-foot by five-foot square areas for each residential unit in the development or subdivision for the placement of automated service containers and automated recycling containers;
    - [2] Does not extend more than five feet into the roadway, as that term is defined in Chapter 42 of this Code;
    - [3] Does not block or prohibit access to driveways, fire hydrants, or sidewalks;
    - [4] Is not on private property; and
    - [5] Is on a flat surface free of physical features such as utility poles, trees, and other obstructions.