

ORDINANCE NO. 4588

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA AMENDING CHAPTER 16, LICENSES, TAXATION, AND MISCELLANEOUS BUSINESS REGULATIONS AND CHAPTER 24, SOLID WASTE MANAGEMENT OF THE SCOTTSDALE REVISED CODE

WHEREAS, the City of Scottsdale desires to continue to accommodate community needs for solid waste services without decreasing current standards of public health; and

WHEREAS, the City of Scottsdale desires to adjust the current fees to provide solid waste services in the City of Scottsdale to meet present and increasing demand and recover costs using a fair and proportionate structure;

WHEREAS, the City of Scottsdale further desires to amend the provisions of Chapter 24 to provide clarity of language;

WHEREAS, the City desires to amend certain provisions of Chapter 16 of the Scottsdale Revised Code to improve efficiencies in the annual reporting requirements for solid waste licensees;

BE IT ORDAINED by the Council of the City of Scottsdale that the following amendments to Chapter 16 and Chapter 24 of the Scottsdale Revised Code are hereby approved to be effective as of July 1, 2022:

Section 1. Chapter 16, Article XV, Section 16-486 License fees, of the Scottsdale Revised Code is amended as follows, with strikethroughs indicating deletions and shading indicating additions:

Sec. 16-486(2). – Annual per vehicle license fee of ~~nine hundred twenty seven dollars~~ ~~nine hundred fifty-four dollars and eighty-one cents~~ (\$927.00 \$954.81) for all collection vehicles with a minimum capacity of ten (10) cubic yards which are operated in the city under the commercial refuse hauler license issued pursuant to this article. There shall be no annual per vehicle license fee for vehicles with a capacity of less than ten (10) cubic yards.

Section 2. The following sections of Chapter 24 Solid Waste Management of the Scottsdale Revised Code are amended as follows, with strikethroughs indicating deletions and shading indicating additions:

Sec. 24-2. Definitions. Add new definition:

Nonparticipant means a resident that opts out of the residential recycling program or has had recycling container removed due to noncompliance.

Sec. 24-13. Containers generally.

- (a) Every user shall place or cause to be placed all refuse and recyclable material accumulating on the premises in suitable receptacles or containers meeting container specifications established by the division, designated for that purpose, and as are provided by such person, the city or a permittee.
- (b) All refuse and recycling containers shall be waterproof and equipped with tight-fitting covers resistant to disturbance by animals and insects.
- (c) Each refuse generator is responsible for the maintenance of the sanitary condition of the container and the area around it.

(1) All City-provided refuse and recycling containers are the property of the City. Therefore, they shall remain at the residence, or in the alley, as applicable, after the residence is sold or new occupants move in.

The City will provide replacement containers at no additional expense to the owner or occupant of a residence where replacement is necessary because of normal wear and tear caused by proper usage. The owner or occupant of a residence will be charged the fee set forth by the director when the replacement of a container is required or requested because of improper usage or something other than normal wear and tear.

At the request of an owner or occupant of a residence, the City will provide additional curbside refuse container(s) or additional recycling container(s) to accommodate additional curbside refuse or recycling collection for the fees set forth by the director.

Cost of solid waste containers. The initial cost of providing refuse containers and recycling containers, including assembling such containers, for newly constructed covered residences shall be set forth by the Director. The fees shall be paid by the person applying for the initial building permit for each new covered residence at the same time that the fees for the residential building permit are paid.

Container Damage, Loss, or Theft: Each city-supplied container shall be assigned to the property or premises and not to the owner or occupant of the property or premises. No person who occupies any property or premises to which a container has been assigned may remove the container from the assigned property or premises for any reason. The city shall not be responsible for damage, loss, or theft of a container. In the event of damage, loss, or theft other than ordinary wear and tear of such container, the person who occupies the property or premises to which a container has been assigned may be charged a fee for such damage, loss, or theft, at the option of the director. The city will replace containers that fail due to ordinary wear and tear.

- (d) No user shall place or cause to be placed any of the following in a container:

- (1) Any food waste, putrescible waste, filth, dead animals or other waste materials not properly bagged. Properly bagged means securely tied to where 1) odors cannot escape or 2) through which flies or other vectors cannot pass or 3) uncontained materials will not release dust or other particles into the environment.
 - (2) More than the amount of animal waste established by rules and regulations promulgated by the director or as described in section 24-16.
 - (3) Any unwrapped filth.
- (e) No person shall place any refuse or recyclable material in a container not owned or maintained by him without the consent of the owner.
- (f) Residential recyclable material generators shall place only those recyclable material approved by the director in containers for collection. The disposal of garbage, refuse, filth, or other solid waste materials in these recycling containers is prohibited.

Sec. 24-16. Bulk rubbish, brush, brushable material and animal waste.

- (a) Business establishments will be solely responsible for the removal of bulk rubbish, brushable material and brush generated from their premises.
- (b) All persons who are in the business of trimming trees, shrubs or grass shall be solely responsible for disposal of all brush and brushable material generated in connection with their business activities within the city.
- (1) Landscapers and lawn maintenance businesses may not dispose of brush and brushable waste in residential refuse containers except for such waste generated solely from the grounds of residential property and upon receiving approval from the property owner.
 - (2) Landscapers or lawn maintenance businesses shall be responsible for the proper disposal of all other brush and brushable waste generated from other properties, common areas, private streets and/or corridors.
- (c) The following provisions apply to residential establishments not subject to subsections (a) or (b), above:
- (1) Each refuse generator shall be responsible for the manner in which bulk rubbish and brushable material are placed for collection, whether in an alley or on property adjacent to the street.
 - (2) Bulk rubbish and brushable material shall be placed neatly in a one singular pile, lengthwise. One singular pile size cannot exceed 10' feet in length, 6' feet in width, 4' feet in height (excessive material outside of these dimensions will not be collected) in generator's portion of the alley (for alley service) or adjacent to generator's curblin (for street service). Placement shall be consolidated rather than dispersed, but in no event shall refuse containers or public rights-of-way (such as streets, sidewalks or alleys) be blocked by placement of the material. Materials not collected must be removed and is the responsibility of the resident or property owner no later than 48 hours after collection service is completed.
 - (3) Brush shall be placed in a container as containable rubbish, or may be contained in closed boxes, or bagged as approved by the director. Century plants, cacti, and similar plants hazardous to collection employees shall be placed in closed boxes with

lids. Tree branches and tree trunks shall be trimmed and cut to six-foot maximum lengths. No bags, boxes or containers described herein shall exceed sixty (60) pounds in weight.

- (4) Brushable material placed for collection should not be mixed with brush, wire, cacti, grass, dirt, rocks or any prohibited materials.
- (5) Palm skins not disposed of as containable rubbish shall be bagged, boxed or bundled together to facilitate efficient collection.
- (6) Bulk and brushable material must be placed for collection no later than 5:00 a.m., Monday, of the week the area is scheduled for collection and no earlier than three (3) days prior to Monday of the week the area is scheduled for collection. No special or additional collections of these materials will be provided.

Bulk and brushable material placed for collection must be clearly marked for City of Scottsdale brush and bulk collection. Material that is not clearly marked may not be collected on the scheduled collection cycle date.

- (d) Bulk rubbish, brush or brushable material placed for collection in violation of paragraph (c) may be deemed by the director or manager of solid waste management to be uncollectible material. The generator shall be advised of the uncollectible condition of the material. It shall be the responsibility of the generator to either dispose of the uncollectible material in a lawful manner or take such action as may be needed to conform with the requirements for collection by the city.
- (e) Animal waste shall be disposed of in the following manner:
 - (1) Waste from small animals or pets (domestic) shall be bagged and placed in a solid waste container for collection. Animal waste placed in brush and bulk material (bagged or unbagged) will not be collected.
 - (2) Wastes from larger animals or pets (non-domestic), such as horses and other livestock kept as pets or for personal pleasure may be placed in a solid waste container provided the waste is dry and contained.
 - (3) All animal wastes shall be removed from pens, stables, yards, cages and other enclosures and disposed of in the prescribed manner or by composting as often as necessary to prevent occurrence of a public nuisance or health hazard.

Sec. 24-17. Residential refuse and recycling services.

- (a) Residential refuse and recyclable material generators with ninety (90) gallon containers shall place containers at the curblin in front of their residences on the scheduled collection days. Containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall be removed from the curblin on the day of collection.
- (b) No collection services will be provided by the city for underground containers.
- (c) The director may require any residential refuse or recyclable material generator regularly exceeding the weight limitations of subsection (e), to purchase such additional containers as may be reasonably necessary.

- (d) City-owned containers shall be distributed and positioned as scheduled by the director. Containers serving more than one (1) residence shall be positioned along the rear or side alley not more than one hundred (100) feet from the property line of any residence so serviced. If there are no alleys, individual portable containers may be supplied by the city.
- (e) To ensure optimal use of city-owned containers and auxiliary collection equipment and/or prevent the injury or harm to those city staff manually collecting refuse or recyclables, the contents of the individual containers shall not exceed the following weight limitations:
 - (1) Twenty-gallon containers, sixty (60) pounds.
 - (2) Ninety-gallon containers, two hundred (200) pounds.
 - (3) Three-hundred-gallon containers, five hundred (500) pounds.
- (f) ~~The city shall repair or replace the city-owned containers, if the cause of the loss or damage is beyond the reasonable control of the user. If the city-owned container has been stolen, or has been damaged due to vandalism, the user must make a report to the police department prior to the replacement of the container by the city.~~

Under the residential recycling program, the City will provide residential customers with a recycle container, in addition to a refuse container, to place specified residential recyclable materials.

Acceptable residential recyclable materials shall be as determined by the Director.

Residential recyclable materials placed inside a recycle container shall not be bagged or otherwise contained.

(g) Residents that dispose of any of the following prohibited wastes in their recycle container shall be subject to discontinuation of recycling service and immediate removal of the recycling container by the City:

1. Animal waste;
2. Human waste;
3. Dangerous or hazardous waste;
4. Food waste;
5. Green waste;
6. Construction debris or inert material.
7. General refuse

Residents that place items in the recycle container that, while not prohibited wastes, are also not acceptable recyclable materials will be notified in writing by the City. After a minimum of two (2) notifications have been given explaining their lack of compliance with this Article, the City will discontinue recycling service and retrieve the recycle container.

The City may make such notifications based upon a determination that a violation of this Article has occurred.

A nonparticipant shall not receive a recycling container and will receive once-per-week solid waste collection consistent within Sec. 24-14. of this Chapter and subject to payment of applicable rates, fees, and charges. If the nonparticipant needs or desires an additional refuse container, refuse containers may be available at the applicable rate. The director may require any residential customer to subscribe to additional refuse containers, subject to the appropriate solid waste rates if a health hazard exists.

(h) Residential customers determined by the City to be nonparticipants may notify the City that they desire to re-enter the residential recycling program. Such notification may occur no earlier than six (6) months after being designated by the City as a nonparticipant. The director may waive this six (6) month period based upon a determination that exceptional circumstances exist and that it would be in the City's best interest to allow re-entry sooner. The director may designate a fee to cover costs associated with distributing a recycling container.

Any residential customer that the City has designated as a nonparticipant may file an appeal to the director within ten (10) calendar days after receipt of notice from the City of such decision. Such request for appeal shall contain the name and address of the person, together with a brief statement as to why the determination should be reversed. The initial appeal shall be acted upon by the director. The director's decision may then be appealed to the City Manager by the residential customer within seven (7) days after receipt of the initial appeal. The decision of the City Manager shall be final.

Sec. 24-31. Service charges, residential refuse and recyclable material generators.

- (a) When refuse collection service is made available, a monthly charge shall be imposed upon all residential refuse generators in the sum of ~~twenty-five~~ ~~twenty-seven~~ dollars and ~~ninety-two~~ ~~ninety-nine~~ cents (~~\$25.92~~ ~~\$27.99~~), plus any additional fees, taxes, or charges, regardless of how they are designated, which are or may be imposed by the state or federal government, or by a regional authority, in respect to either individual or municipal action relating to this chapter. Except as provided in subsection (h), the basic monthly charges as described herein shall apply regardless of the nature and extent of services actually provided to a property by the city.
- (b) In case of a multiple-dwelling unit, the charge shall be billed to the owner of the premises or to an authorized agent who shall be liable for the payment thereof.
- (c) Any residential refuse generator who is serviced by the city's curbside recycling program and who acquires additional refuse containers provided by the city for convenience, shall purchase such containers and shall pay an additional fee of ~~thirteen~~ ~~fourteen~~ dollars and ~~seventeen~~ ~~twenty-two~~ cents (~~\$13.17~~ ~~\$14.22~~) per month for the collection of each additional refuse container.
- (d) Any residential refuse generator refusing to participate in the city's curbside recycling program and who acquires additional refuse containers provided by the city for

convenience, or who is required to do so pursuant to section 24-17, shall pay the fee provided in subsection (a) for collection of each container.

- (e) Additional refuse containers purchased pursuant to subsections (c) and (d) shall remain the property of the purchaser.
- (f) Charges for first and final bills with billing periods more or less than one (1) month shall be prorated.
- (g) The director may discontinue monthly service charges to a property if the director receives notice from the owner of the property, in writing, that the structure or structures on the property have been permanently abandoned, or receives notice from the city or county health officer that the structure or structures on the property have been condemned as not habitable, or unsanitary and dangerous to human life.
- (h) Any residential refuse generator whose property will be vacant for six consecutive months or more may request a temporary suspension of collection services, pursuant to section 49-23 of this Code. Upon receipt of the refuse generator's signed acknowledgement form as set forth in section 49-23(b), the city will waive all basic monthly refuse collection service charges for the term of the vacancy. Collection service will resume upon the residential refuse generator paying an administrative account establishment fee.
- (i) If the city determines that the service is nonetheless being used, it may resume billing.

Sec. 24-32. Service charges, commercial refuse and recyclable material generators.

- (a) Commercial Refuse Front Load Containers:

The rates below reflect the monthly service cost for each respective combination of container size and collection frequency per week.

| Container Size Cubic Yard | Collection Frequencies | | | | | |
|------------------------------|------------------------|----------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 2 | \$97.84 | \$195.68 | \$293.52 | \$391.36 | \$489.20 | \$587.04 |
| | \$102.73 | \$205.46 | \$308.19 | \$410.92 | \$513.65 | \$616.38 |
| 3 | \$105.25 | \$210.50 | \$315.75 | \$421.00 | \$526.25 | \$631.50 |
| | \$110.51 | \$221.02 | \$331.53 | \$442.04 | \$552.55 | \$663.06 |
| 4 | \$113.00 | \$226.00 | \$339.00 | \$452.00 | \$565.00 | \$678.00 |
| | \$118.65 | \$237.30 | \$355.95 | \$474.60 | \$593.25 | \$711.90 |
| 5 | \$120.12 | \$240.24 | \$360.36 | \$480.48 | \$600.60 | \$720.72 |
| | \$126.13 | \$252.26 | \$378.39 | \$504.52 | \$630.65 | \$756.78 |
| 6 | \$127.53 | \$255.06 | \$382.59 | \$510.12 | \$637.65 | \$765.18 |
| | \$133.91 | \$267.82 | \$401.73 | \$535.64 | \$669.55 | \$803.46 |
| 8 | \$138.46 | \$276.92 | \$415.38 | \$553.84 | \$692.30 | \$830.76 |
| | \$145.38 | \$290.76 | \$436.14 | \$581.52 | \$726.90 | \$872.28 |

Additional refuse containers of two or more will be discounted a flat ten (10) percent; discount applied to least expensive container/pull combined bill.

- (b) The following additional fees shall also be charged, as applicable:
 - (1) One hundred sixty dollars (\$160.00) for delivery of any special event front loader container.

- (2) A one-time charge of one hundred seventy dollars (\$170.00) will be charged for installing a locking latch on a container.
- (c) Charges to commercial refuse generators shall also include any additional fees, taxes, or charges, regardless of how they are designated, which are or may be imposed by the state or federal government, or by a regional authority, in respect to either individual or municipal action relating to this chapter.
- (d) When two (2) or more commercial refuse generators share a container in common, one (1) of the following may be elected:
 - (1) The service charges will be billed to the customer requesting the initial service at the regular rate indicated in the rate structure. Businesses sharing a container shall be responsible for making any cost sharing arrangements between or among themselves, as applicable.
 - (2) The shared rate will be divided equally among and billed directly to each business establishment. Each business establishment is responsible for the storage and disposal of its own refuse and shall contract with the city or a private company for refuse removal and disposal. (Title 18, Arizona Administrative Code).
- (e) Charges for first and final bills with billing periods more or less than one (1) month shall be prorated.
- (f) Commercial Recycling Front Load Containers:

The rates below reflect the monthly service cost for each respective combination of container size and collection frequency per week.

| Container Size Cubic Yards | Collection Frequencies | | | | | |
|-------------------------------|------------------------|----------|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 2 | \$75.24 | \$150.48 | | | | |
| | \$79.00 | \$158.00 | | | | |
| 3 | \$79.08 | \$158.16 | | | | |
| | \$83.03 | \$166.06 | | | | |
| 4 | \$82.93 | \$165.86 | | | | |
| | \$87.08 | \$174.16 | | | | |
| 6 | \$90.64 | \$181.22 | | | | |
| | \$95.14 | \$190.28 | | | | |
| 8 | \$98.34 | \$196.32 | | | | |
| | \$103.23 | \$206.46 | | | | |

- (g) Commercial Recycling Plastic Carts:

The rates below reflect the monthly service cost for each respective combination of container size and collection frequency per week.

| Container Size | Collection Frequencies | | | | | |
|----------------|------------------------|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |

| | | | | | | |
|------------|-------------------------------|-------------------------------|--|--|--|--|
| 90 Gallon | \$10.58 \$11.11 | \$21.16 \$22.22 | | | | |
| 300 Gallon | \$34.60 \$36.33 | \$69.20 \$72.66 | | | | |

(h) Commercial Manure Front Load Containers

- (1) Commercial front load containers for disposal of manure or similar forms of animal or livestock waste may be made available by the City at a rate equal to the regular applicable Commercial Refuse Front Load Container rate multiplied by two.

Sec. 24-33. Service charges, commercial roll-off service.

(a) Commercial Refuse Roll-Off Containers:

| Container Size | Refuse Fee | Tonnage Included |
|---------------------|------------------------------|------------------|
| 20 Cubic Yards | \$542.00 \$569.10 | 3 Tons |
| 30 Cubic Yards | \$542.00 \$569.10 | 3 Tons |
| 40 Cubic Yards | \$542.00 \$569.10 | 3 Tons |
| Tonnage Rate | \$42.79 \$46.40 | >3 Tons |
| Compactor Surcharge | \$50.00 | |

- (b) The city will provide roll-off services to commercial businesses, subject to the provisions of this chapter, when requested to do so. A commercial roll-off container is available for the purpose of depositing construction waste or other materials generated by activity on the site. The container shall be removed by the city, on a predetermined schedule or as requested by the customer and emptied at a disposal or other site. These actions are collectively referred to as a "pull."
- (c) Charges to commercial roll-off customers shall also include any additional fees, taxes, or charges, regardless of how they are designated, which are or may be imposed by the state or federal government, or by a regional authority, in respect to either individual or municipal action relating to this chapter.
- (d) When the demand for commercial roll-off service is high, the director of solid waste shall exercise a daily fee of up to twenty-three dollars (\$23.00) per day for each work day (Monday through Friday) following a period when the customer has not requested a pull for fifteen (15) work days, for a maximum monthly fee of three hundred and forty-five dollars (\$345.00).
- (e) Any additional costs incurred by the city for the disposal of containers with loads of more than three (3) tons shall be assessed an additional charge to the commercial roll-off customer of forty-two dollars and seventy-nine cents (\$42.79) per ton. Any compactor service will assess an additional charge of fifty dollars (\$50.00).

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 16 day of May, 2023.

ATTEST:

By: Ben Lane
Ben Lane, City Clerk

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: David D. Ortega
David D. Ortega, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Sherry R. Scott
Sherry R. Scott, City Attorney
By: Eric C. Anderson, Senior Assistant City Attorney