

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGTON
AMENDING CITY CODE CHAPTER 33 (SOLID WASTE)**

Ord. No. 23-36

Enacted: November 7, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON that the following Chapter 33 (Solid Waste) Section 33-31, Curbside Collection Service, shall be changed as follows:

Sec. 33-31. Curbside collection service.

City-serviced curbside collection services will be provided under the following conditions:

- (1) *Curbside collections scheduling.* City-served curbside collection services will be provided once a week on a day designated for collection by the sanitation superintendent. Solid waste shall not be placed at the curbside more than twenty-four (24) hours preceding the scheduled collection day. Recyclables will be collected every two (2) weeks on a day designated by the city's authorized collector.
- (2) *Approved containers.* All households and single business units shall use only city approved containers for all solid waste removal by the city. The following provisions shall be complied with:
 - a. Automated collection system. An automated system is in use for the collection of wet and dry garbage. The city-approved automated containers shall have a capacity of no more than one hundred (100) gallons. The city shall provide one (1) 100-gallon container for wet and dry garbage and one (1) for recyclables. In multi-family developments and in special situations where a 100-gallon container is determined by the public works director or his designee to be difficult to use or not feasible for use by the customer, a 65-gallon container will be provided upon request by the customer. In the event there is not sufficient storage between collections, the resident may request from the city one (1) additional garbage and/or recyclables container for a fee. (Refer to solid waste fee schedule.) The following provisions shall pertain to said containers:
 1. *Identification.* Where solid waste rollout containers have been provided, the collection containers shall be numbered by the sanitation division so as to indicate the dwelling unit using the particular container.
 2. *Ownership of rollout containers.* The city shall retain ownership of rollout containers provided for solid waste collection. Said container shall not be removed from the original assigned premises. Containers which require replacement as a result of user abuse and/or negligence will result in the user being charged a replacement fee as set forth in the solid waste fee schedule. It is a violation of this chapter to willfully break or cause damage to any city owned automated container and any violation shall be subject to civil or criminal penalties as provided in section 33-71.

3. *Lost, stolen, or damaged containers.* Any rollout container provided by the city which becomes lost or stolen through no fault of the user, shall be replaced by the city at no cost. Any rollout container damaged by the placing of hot ashes or other toxic chemicals therein by the user shall be charged a replacement fee.
4. *Unserviceable containers.* Any rollout container provided to the user at the city's expense that becomes unserviceable due to normal usage shall be replaced at the city's expense.

Businesses generating in excess of two hundred (200) gallons per week of wet or dry garbage shall provide a stationary refuse and/or a recyclable container for service by a private hauler.

(3) *Placement of containers.*

- a. In order to collect solid waste, the owner or occupant of each business or household shall place all solid waste in approved containers and place such solid waste containers between the curb or traveled portion of the street and the property line closest to the curb of the premises from which the same is placed. Solid waste shall not be placed at the curbside more than twenty-four (24) hours preceding the collection day but must be placed no later than 7:00 a.m. on the day fixed for collection. Solid waste will be collected and removed on the day designated by the sanitation superintendent. Public notice shall be given for any change of collection day. City collection personnel shall not provide service if denied reasonable access by parked vehicles, equipment, fixed objects, low hanging wires or other obstructions.
- b. The following rules shall apply for the removal of solid waste:
 1. No wooden boxes, barrels, or any other wooden receptacle, or any other receptacles except approved containers shall be used for collection of wet or dry garbage. Solid waste collectors shall be required to remove all such wooden boxes and other receptacles, if so used.
 2. For the purpose of collection, placement of containers will be at ground level.

(4) *Removal of containers following collection.*

- a. All containers or receptacles placed on any street to be emptied, shall after the contents thereof are emptied and collected, be removed from such street by 7:00 p.m. and stored on the host premises. The storage place shall be as near to the house (or business) as reasonably possible.
- b. No solid waste container or any form of movable carrier shall be placed, kept or left on any street for any purpose whatsoever on Saturday or before dusk on Sunday.
- c. Any solid waste container or any form of movable carrier placed or found in violation of this section will be deemed a public health hazard and reported to the county environmental health division and be subject to their regulations.

- (5) *Spilled materials.* Spilled materials or overflow not caused by city collection crews shall be cleaned up immediately after such spillage or overflow by the property owner or occupant. Spilled solid waste materials caused by city collection crews shall be cleaned up immediately by said collection crew.
- (6) *Yard waste collection service.*
- a. Yard waste collection shall be provided only to residential units and/or small businesses served by the automated collection system. Yard waste collection shall be provided once a week on the same day as curbside collection service designated by the sanitation superintendent.
 - b. Yard waste shall be separated from all other refuse prior to collection. Collection forces shall collect yard waste that is customarily and reasonably associated with the residential units(s) served, so long as it is properly prepared or containerized and in compliance with the following regulations:
 1. Grass clippings, small shrubbery clippings, leaves, and other small lawn debris shall be collected at the curbside if they are placed in approved containers for collection. Such containers shall be in good condition and of such size and weight that when full, do not weigh more than fifty (50) pounds each and are such that one (1) individual can easily pick up each container, one (1) at a time, for disposal.
 2. Approved containers used for yard waste shall have tight-fitting lids, equipped with strong handles, and shall not exceed thirty-two (32) gallons in size or fifty (50) pounds in weight when filled. Yard waste containers may be made of metal or plastic.
 3. Tree limbs, cuttings, shrubbery and similar materials will be collected as yard waste by sanitation personnel when cut in four-foot lengths, not to exceed fifty (50) pounds in weight, not to exceed six (6) inches in diameter and placed by the curb.
 4. Large quantities of tree trimmings or similar materials must be cut in lengths not to exceed six (6) feet and placed in piles at the curb. Such materials will be collected by a special truck upon notice by the property owner or sanitation personnel.
 5. No vegetative debris will be collected if generated by commercial tree contractors or landscaping contractors. (August 21, 2018 recodification)
 6. No stumps, logs, dirt, rocks, tires on wheels or concrete will be hauled by the sanitation division.
 7. No building materials or refuse from commercial building operations or landscape work will be hauled by city forces.
- (7) *Large appliance (white goods) collection.* Large appliances (white goods) shall be collected only from residential units and/or small businesses served by the automated collection system. Collection is subject to the following conditions:

- a. Notification must be made to the sanitation division at least forty-eight (48) hours prior to the scheduled collection day.
- b. Appliances shall be placed to the curb by 7:00 a.m. on the collection day, from the unit from which the appliance was removed.
- c. Appliances shall be emptied of their contents.
- d. Refrigerator and freezer doors must be removed or secured to prevent entry by small children.
- e. City collection personnel shall not provide service if denied reasonable access by parked vehicles, equipment, fixed objects, low hanging wires or other obstructions.
- f. Appliances shall not be collected from any residential unit or small business engaged in the repair or resale of appliances.

(8) *Bulk trash.*

- a. Bulk trash collection shall be provided only to residential units served by the city. Bulk trash collection shall be provided as designated by the sanitation superintendent or his designee under the following conditions:
 - 1. Bulk trash shall be placed to the curb by 7:00 a.m. on the collection day to insure pickup.
 - 2. Bulk trash must be separated from all other refuse prior to collection.
 - 3. Bulk trash that is too large to be placed in the collection vehicle will not be collected by city forces.
 - 4. All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass taped with an "X" mark so it will not shatter in the collection process.
 - 5. Gasoline must be removed from all lawn equipment prior to collection.
 - 6. Carpet and padding shall be collected provided the carpeting is rolled and tied in sections no longer than five (5) feet.
 - 7. Oxygen tanks and other medical equipment; propane tanks; large oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including, but not limited to, motors, doors, fenders, tires, car seats or batteries from a residential premises shall not be collected by the city forces.
 - 8. Overflow volumes of wet and dry garbage will not be collected as bulk trash.
- b. The sanitation superintendent or his designee shall have the authority to require items to be prepared for ease of collection and to insure the safety of the employees performing the collection task. Any item not prepared properly may be refused for collection at the sanitation superintendent or his designee's discretion.

(9) *Private streets agreement.* Where curbside collection services are provided upon private streets, the property owner or property owner's association shall enter into an

agreement with the City of Burlington whereby the property owner or property owner's association shall indemnify and hold harmless the City of Burlington or any of its agents from any damage to private streets or related infrastructure resulting from any and all waste collection activities. The agreement may also specify certain street-type improvements (i.e. turnarounds) be required in order for the city to be able to provide sanitation services. The agreement may also require that the private streets be maintained to a standard that allows reasonable passage of all sanitation vehicles.

Section 2: That all ordinance or parts of ordinances inconsistent herewith are repealed.

Section 3: That this ordinance shall be effective upon adoption.

Adopted this 7th day of November, 2023.