

ORDINANCE NO. 2684

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 66 UTILITIES OPERATIONS, BY AMENDING ARTICLE VII SOLID WASTE, DIVISION 2 RESIDENTIAL COLLECTION AND DISPOSAL, SECTION 66-288 PREPARATION OF REFUSE FOR COLLECTION, and SECTION 66-291 FREQUENCY OF RESIDENTIAL SOLID WASTE COLLECTION RELATED TO COLLECTION OF BULK TRASH; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, the Town of Gilbert Municipal Code ("Code") requires that bulk trash be placed for pick-up on private property within plain view as seen from the public right-of-way; and

WHEREAS, the Code also requires that the Town shall collect bulk trash monthly from all single-family dwelling units; and

WHEREAS, the Town has determined that it is in the best interest of Town of Gilbert residents to amend the location for placement of bulk trash to the periphery of public streets where possible; and

WHEREAS, the Town has determined that it is in the best interest of Town of Gilbert residents to amend the frequency of Town pick-up of bulk trash from monthly to a flexible, regular recurring schedule

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, Chapter 66 Utilities Operations, Article VII Residential Collection and Disposal, Division 2 Residential Collection and Disposal, Section 66-288 Preparation of Refuse for Collection, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 66-288. - Preparation of refuse for collection.

- (a) The town will only collect refuse, which is properly prepared for pickup. Any person found to be in violation of a requirement of this section is responsible for a civil offense, subject to citation, civil sanctions, and subject to abatement under sections 66-274 and 66-275.
- (b) Refuse shall be prepared for pickup as follows:

- (1) Roll-out containers shall be used for curbside collection of residential refuse.
 - (2) Dwelling unit garbage must be drained of liquids and shall be bagged in plastic bags and tied before being placed in refuse containers.
 - (3) Refuse shall be placed in containers specified for refuse. All boxes, cartons, and crates shall be collapsed before being placed in town supplied containers. Also, large boxes and cartons shall be cut up before being placed in the containers.
 - (4) The town's regular collection service will collect only the refuse which is contained in the town-supplied refuse containers.
 - (5) Residential customers may dispose of yard waste in town-supplied black roll-out containers as long as the yard waste is bagged, and there is room for the regular refuse and such material does not interfere with the emptying of the container in any way.
 - (6) Residential customers may dispose of small amounts of building material, except concrete or masonry, provided it is placed in the residential customer's black roll-out container.
 - (7) The contents of an individual roll-out container shall not exceed 200 pounds.
 - (8) All garbage shall be bagged and securely tied.
 - (9) Wastes from small animals, pets, or livestock shall be placed in a bag, securely tied and then placed in the black roll-out containers.
 - (10) Lids for refuse containers must be kept down in a closed position at all times in order to prevent flies, except when a container is being filled, emptied or cleaned.
- (c) *Recycling.* Recyclables shall be prepared for pickup as follows:
- (1) Recyclables must be reasonably clean, empty, dry and loose, and shall not be bagged or put in sealed box when placed in recycling containers.
 - (2) Only recyclables may be placed in recycling containers. Large boxes and cartons shall be cut up or collapsed before being placed in recycling containers.

- (3) Recycling collection service will collect only recyclables contained in the recycling containers.
 - (4) Shredded paper must be in a clear plastic bag when placed in recycling containers.
- (d) *Bulk trash.* Bulk trash shall be prepared for pickup as follows:
- (1) Bulk trash is collected ~~monthly~~ ON A REGULAR RECURRING SCHEDULE for single-family dwelling units paying for regular refuse service. A special collection requiring additional fees is available, pursuant to section 66-292.
 - (2) A pile up to five feet by five feet by ten feet of combined yard waste and bulk trash shall be collected on a scheduled bulk trash collection. A special collection for larger quantities requiring additional fees is available pursuant to section 66-292.
 - (3) All brush, tree limbs and cuttings shall not exceed five feet in length and 12 inches in diameter.
 - (4) Bulk trash shall be placed ~~on private property within plain view as seen from the public right-of-way~~ for pick up no earlier than the Saturday immediately preceding the designated collection week and no later than Monday at 5:00 a.m. of the designated collection week.
 - (5) BULK TRASH SHALL BE PLACED WITHIN THE STREET ADJACENT TO THE RESIDENTIAL CUSTOMER'S CURBLINE IN A MANNER SO AS TO NOT INTERFERE WITH OR BE HAZARDOUS TO PEDESTRIANS OR VEHICLES. IF BULK TRASH CANNOT BE PLACED WITHIN THE STREET IN A MANNER SO AS TO NOT INTERFERE WITH OR BE HAZARDOUS TO PEDESTRIANS OR VEHICLES, THEN IT SHALL BE PLACED IN PLAIN VIEW ON THE RESIDENTIAL CUSTOMER'S DRIVEWAY AS CLOSE TO THE RESIDENTIAL CUSTOMER'S CURBLINE AS POSSIBLE, OR IN SUCH OTHER AREA AS MAY BE DESIGNATED BY THE TOWN. IN NO EVENT SHALL REFUSE CONTAINERS OR PUBLIC RIGHTS-OF-WAY BE BLOCKED BY PLACEMENT OF THE BULK TRASH MATERIALS ~~Items must be placed parallel to the street adjacent to the owner's property line for collection.~~ ALL BULK TRASH SHALL BE PLACED NEATLY IN A PILE, LENGTHWISE PARALLEL TO THE CURB AND IN A CONSOLIDATED MANNER (NOT DISPERSED).

- (6) Bulk trash SHALL ~~may~~ not be placed on sidewalks, curbing, or PRIVATE PROPERTY EXCEPT AS PROVIDED IN THIS SECTION 66-288(D) ~~public right of way in any manner as to interfere with or be hazardous to pedestrians or vehicles,~~ or with any mechanized collection container in such a manner as to interfere with its being emptied.
- (7) Appliances, air conditioners and other items that involve freon gases are not accepted as part of normal bulk trash service. A special collection requiring additional fees pursuant to section 66-292 is available. The customer must take off the locking mechanism off or remove the door from any container or appliance, including freezers, refrigerators, stoves or chests before setting them out for special collection as required by section 42-106 of the Code.
- (8) Items not accepted for collection will be left. The following are unacceptable materials: Disposable or unwanted material resulting from construction, repair, or demolition of the premises; large auto parts; tires; used oil; rocks, soil-like and concrete materials; unbagged leaves and grass clippings; and vegetation over five feet in length and 12 inches in diameter. These items must be disposed of at a landfill by the owner, lessee or occupant, or by an alternative service, such as roll-off containers.
- (9) Century plants, cacti, and similar plants hazardous to collection employees shall be contained in cardboard boxes with a total weight not to exceed 60 pounds per box.

The Code of Gilbert, Arizona, Chapter 66 Utilities Operations, Article VII Residential Collection and Disposal, Division 2 Residential Collection and Disposal, Section 66-291 Frequency of Residential Solid Waste Collection, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 66-291. - Frequency of residential solid waste collection.

- (a) The days and hours of collection pickup shall be designated by the director.
- (b) Regular refuse service shall be supplied once a week to all single-family dwelling units, except those exempt, as provided for in this division. Where more than one refuse container is maintained for a single residence, all containers will be serviced on the same day.
- (c) The town shall collect bulk trash ~~monthly~~ **ON A REGULAR RECURRING SCHEDULE** from all single-family dwelling units. The times of collection shall be publicized. Bulk trash service shall not be used for waste generated

by home occupations or generated off the site, including yard waste generated off the premises.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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.

Section IV. Providing for Civil Sanctions.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Gilbert Municipal Code. Each day a violation continues, or the failure to perform any act or duty required by the Municipal Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

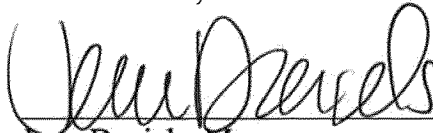
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6th day of September, 2018, by the following vote:

AYES: S.Anderson, E.Cook, J.Daniels, V.Petersen, B.Peterson, J.Ray
J.Taylor

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 6TH day of SEPTEMBER, 2018.


Jenn Daniels, Mayor

ATTEST:



Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:



Christopher W. Payne, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. 2684 ADOPTED BY THE COMMON
COUNCIL OF THE TOWN OF GILBERT ON THE 6TH DAY OF SEPTEMBER, 2018, WAS
POSTED IN FOUR PLACES ON THE 13 DAY OF September, 2018.



Lisa Maxwell, Town Clerk