

ORDINANCE NO. 5537

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MESA, ARIZONA, PERTAINING TO ADOPTION OF AMENDMENTS TO TITLE 8, CHAPTER 3, OF THE MESA CITY CODE REGARDING RECYCLING.**

WHEREAS, Contamination in recycle barrels is impacting the viability of materials to be recycled, resulting in the need to make changes to recycling enforcement in order to facilitate continued residential and commercial recycling, and

WHEREAS, The City of Mesa, to maintain the beneficial reuse and recycling of materials desires to update the list of acceptable recyclable materials in the recycle program, and

WHEREAS, in order to implement these changes and updates, the City must amend the City Code.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Mesa, Maricopa County, Arizona, as follows:

SECTION 1: That Title 8, Chapter 3, Article III (Sections 8-3-29 to 8-3-32) of the Mesa City Code is hereby renamed "Recycling Program".

SECTION 2: That Title 8, Chapter 3, Section 28 of the Mesa City Code is hereby amended to include the following definition:

**PROHIBITED RECYCLE BARREL WASTE:** Waste generated by a residential customer that is nonrecyclable under Section 8-3-30 (A).

SECTION 3: That the existing Title 8, Chapter 3, Section 29 of the Mesa City Code is hereby deleted in its entirety, and the following is adopted in its place:

**8-3-29: COLLECTION OF RESIDENTIAL RECYCLABLE MATERIALS:**

- (A) Under the residential recycling program, the City will provide residential customers a second clearly identified recycle barrel in which to place specified residential recyclable materials.
- (B) The following items, if clean, are acceptable residential recyclable materials. Other recyclable commodities may be added to or deleted from the program by the City Manager or designee.
  - 1. Empty, clean, and dry beverage bottles, jugs, and cans made from plastic, glass, steel or aluminum;
  - 2. Empty, clean, and dry metal food cans;

3. Corrugated cardboard;
  4. Mixed paper including office paper, newspaper, mail, and magazines.
- (C) Residential customers participating in the residential recycling program can receive from the City once-per-week collection of residential recyclable materials placed into recycle barrels and once-per-week collection of nonrecyclable materials placed into black barrels. The City Manager or designee will designate specific collection days each week, including holidays.
- (D) Residential recyclable materials placed inside a recycle barrel shall not be bagged or contained.
- (E) Residential customers participating in the residential recycling program must bag and securely tie their garbage and place it inside a black barrel.

**SECTION 4:** That the existing Title 8, Chapter 3, Section 30 of the Mesa City Code is hereby deleted in its entirety, and the following is adopted in its place:

**8-3-30: RECYCLING PROGRAM COMPLIANCE AND NONPARTICIPANTS**

- (A) Customers that dispose of any of the following prohibited wastes in their recycle barrel shall be subject to having the barrel immediately retrieved 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
- (B) Customers that place items in the recycle barrel 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 recycle barrel will be retrieved by the City. The City may make such notifications based upon a determination that a violation of this Article has occurred.
- (C) A nonparticipant shall not receive a recycle barrel and will receive once-per-week solid waste collection consistent with Article I of this Chapter and subject to payment of applicable rates, fees and charges. If an additional black barrel is needed or desired by the nonparticipant, barrels may be available at the applicable rate. The City Manager or designee may require any residential customer to subscribe to additional black barrels, subject to the appropriate solid waste rates, if a health hazard exists.

SECTION 5: That the existing Title 8, Chapter 3, Section 35 of the Mesa City Code is hereby deleted in its entirety, and the following is adopted in its place:

**8-3-35 GREEN BARREL RECYCLING PROGRAM COMPLIANCE**

- (A) Customers that dispose of any of the following prohibited wastes in their green barrel will be subject to having the barrel immediately retrieved by the City:
1. Human waste
  2. Dangerous or hazardous waste
  3. Food waste
  4. Construction debris, and any other solid waste
- (B) Customers not complying with this Article by placing cacti, oleander trimmings, or palm fronds will be notified in writing by the City of their status as nonparticipants. After a minimum of two (2) notifications have been given explaining their lack of compliance with this Article, the green barrel will be retrieved by the City.

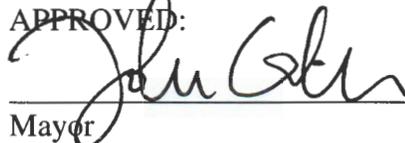
SECTION 6: That the Mesa City Code Title 8, Chapter 3, as previously adopted, will otherwise remain in full force and effect, save and except as amended by this Ordinance.

SECTION 7: That the terms and provisions of this Ordinance are severable and if any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein by reference, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in effect.

SECTION 8: The effective date of this Ordinance shall be 30 days following adoption by the Mesa City Council.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 2nd day of December, 2019.

APPROVED:

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

