
Sec. 30-1012. Solid waste disposal and recycling.

- (a) *Form required.* Solid waste disposal and recycling shall be required in the form of bulk container service (garbage, recycling, grease waste), for all commercial, institutional, residential tourist, and multifamily developments not receiving curbside garbage and recycling pickup. All containers shall be maintained in good serviceable condition. Defective containers shall be promptly replaced upon notice from the city manager or his/her designee. All garbage and recycling containers shall be kept tightly covered at all times to prevent access by birds or animals.
- (b) *Screening.* All trash or recycle containers shall be located so as to be easily accessible to residents, workforce, and the hauler. No screening shall be required for roll out containers which hold up to 96 gallons of waste or recycling.
 - (1) Containers other than roll out containers which hold under 96 gallons of waste or recycling, shall be screened on three sides and have vision obscuring gates on the fourth side to prevent visibility of containers by neighboring property occupants and from adjacent streets at the first-floor level. No screening shall be required for roll out containers which hold up to 96 gallons of waste or recycling. Screening materials shall be consistent with design treatments of primary building facades, landscape plan, and in accordance with sections 30-621 through 30-670.
 - (2) The following materials and structures may be used for screening as required above: Concrete block and stucco wall, brick wall, masonry wall, or walls of similar material, wood, vinyl, or plastic. Material for screening shall be of a compatible color of the primary structure. Vegetation may be used in meeting the opaque screen requirements. Chain link is prohibited, except for chain link gates with visual blocking or opaque screening. Adjacent commercial properties may share dumpsters; provided, that sufficient capacity is provided.
 - (3) Screening, as required above, shall be maintained by the property owner and shall be installed such that no container, or any part thereof, may be seen from the first floor of any building; provided that there is no obstruction of motorists' vision of adjacent streets or within sight distance triangles.
 - (4) No screening of containers shall be required for commercially zoned properties that abut only commercially zoned properties with an alley; provided that all containers must be neat and clean. No garbage, trash, waste, or recycling shall be permitted to be placed alongside the container. All containers when storing garbage, trash, waste, or recycling shall be required to have the lid tightly closed so that container contents shall not be permitted to leave the container. Containers may not occupy designated parking or landscape areas, except as provided in paragraph (c)(6) below.
- (c) *Minimum requirements and locational restrictions.*
 - (1) All developments shall be required to keep and maintain a minimum of one solid waste disposal container and one recycle container on their respective properties. Sizes and quantities of containers, and frequency of pickup by waste haulers shall be enough to ensure that trash or recyclable materials do not overflow from containers, nor is there storage of these materials allowed outside of containers.
 - (2) Solid waste bulk containers may be located within a required yard; provided that the container(s) and associated enclosure does not encroach into a required landscape area, and further provided that there be no blockage of the view of motorists or pedestrians so as to constitute a safety hazard.
 - (3) No solid waste or recycling bulk container and associated enclosure shall be located more than 200 feet from the structure that it is intended to serve, except for existing developments approved prior to July 1, 2019.
 - (4) The city manager or his/her designee may allow for internal or external self-recycling programs, when it is deemed that the intent of this Code can be met. For developments that may provide for these

programs, the documented plan shall be on file with the city manager or designee. At a minimum, the location for storage of materials, methods of disposal, and frequency of disposal shall be included in the documentation.

- (5) No roll out container shall have a capacity greater than 96 gallons for waste and recycling storage.
- (6) In the case of nonconforming commercial or residential developments lawfully permitted prior to November 4, 2002, the city manager or his/her designee may approve the use of one required parking space or an encroachment into the required landscape areas for a bulk container as an administrative variance assuming all other requirements of this Code can be met. Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of this land development code regarding nonconforming structures.
- (d) *Exceptions.* The city manager or his/her designee, may allow the following exceptions to the above requirements. Bulk containers for garbage and recycling may be substituted by individual solid waste disposal service (unit by unit curbside pick-up) subject to the following:
 - (1) In the case of individually owned multifamily dwelling units (condominiums), individual (curbside) solid waste disposal service may be substituted for the required bulk containers upon documentation that the subject unit or condominium association, having been turned over from the developer to the residents, has voted in the majority to eliminate the use of dumpsters in favor of individual curbside service for all or part of a particular development, subject to acceptance from both the city manager or designee and the waste hauler. Additionally, the association shall demonstrate that there is adequate access to facilitate curbside pickup and that all individual units have an enclosed location other than the residential structure, such as a carport, garage, or similar screened structure, for the storage of individual solid waste containers.
 - (2) Multi-tenant commercial establishments generating 96 gallons of waste or less per tenant may be permitted to substitute bulk container service with individual curbside/alley solid waste and recycling disposal (one waste and one recycling container per tenant) service subject to acceptance from both the city manager or designee and the hauler. Additionally, the commercial establishment shall submit to the city manager or designee, documentation of the plan with an accurate site plan showing waste location and that there is adequate access to facilitate curbside/alley pickup.

(Ord. No. 19-14, § 3, 8-19-2019)

Editor's note(s)—Ord. No. 19-14, § 3, adopted Aug. 19, 2019, amended § 30-1012 in its entirety to read as herein set out. Former § 30-1012 pertained to solid waste disposal, and derived from Ord. No. 02-33, § 12, adopted Nov. 4, 2002.