

Chapter 9

**SOLID WASTE**

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**Sec. 9-1. Short Title.**

This Chapter shall be known and cited as the "Solid Waste" Ordinance of the City.

**Sec. 9-2. Definitions.**

For purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The "shall" is always mandatory and not merely directory. These definitions shall apply to all rules, regulations or agreements entered into pursuant to this Chapter.

A. *Ashes.* The residue from the burning of wood, coal, coke or other combustible materials.

- B. *Bags.* See Containers.
- C. *Bundle.* Small trees, branches, shrub and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not to exceed four feet (4') in length and/or thirty five (35) lbs. in weight.
- D. *Business.* An individual, partnership, association, corporation, company, trust, firm, estate, joint venture, unit, agent, public agency, industry, or other legal entity operating as a self contained independent enterprise, such as a beauty shop, retail shop, professional office, etc.
- E. *Business Unit.* Each space occupied by an individual Business. A Business Unit shall be deemed occupied when either occupied or producing Solid Waste.
- F. *Containers.*
  - 1. *Bag:* Plastic sacks designed to store Solid Waste with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a Bag and its contents shall not exceed thirty-five (35) pounds for collection services.
  - 2. *Compactor Container:* A receptacle designed to compact Solid Waste and to be moved by mechanical means so that its contents can be emptied.
  - 3. *Mechanical Container:* A receptacle designed for loose Solid Waste to be lifted by mechanical means so that its contents can be emptied.
  - 4. *Roll Cart Container:* A receptacle of various sizes, shapes and colors, generally constructed of medium or high density polyethylene (MDPE/HDPE) plastic resin and utilized for the City's residential Solid Waste collection. Roll Cart Containers normally have handles, wheels and permanently attached closeable lids. Roll Cart Containers are universally designed to allow

- service by semi-automated and fully automated mechanical lifting devices.
- G. *Containment Structures.* Any structure, framework or fence constructed or erected for the purpose of housing or retaining any Containers as defined herein.
- H. *Curblin/Curbside.* That portion of right-of-way or private property adjacent to the traveled portion of the City rights-of-way used for the placement of all Solid Waste Containers on collection days. Containers shall be placed as close as is reasonably possible to the traveled right-of-way without obstructing parking lanes or public sidewalks.
- I. *Designated Disposal Site.* A waste facility or site where Solid Waste is transferred, composted, disposed of, reduced and/or recovered (such as landfills, transfer stations, incinerators, and resource recovery facilities). Such City-designated facilities and sites must be licensed or approved to receive Solid Waste for processing and/or for final Disposal by all governmental bodies and agencies having jurisdiction and permission.
- J. *Director.* City Supervisor.
- K. *Disposal.* Transporting and Disposal of Solid Waste in a designated Disposal site; Disposal of Solid Waste for resource recovery or transportation to an ultimate Disposal site or facility.
- L. *Equipment.* Equipment used by a Franchisee within the City for the collection or Disposal of Solid Waste.
- M. *Franchisee.* The person, persons, or corporation holding a contract and/or franchise issued or granted by the City authorizing such person to operate, conduct or maintain a municipal Solid Waste collection and Disposal system upon, or over any streets, alleys and public ways of the City.
- N. *Garbage Can.* See Containers.
- O. *Generator.* Any Residential or Business Unit which creates or produces Hazardous Waste
- P. *Haul or Hauling.* An individual trip transporting Solid Waste from the Producer, or any other point within the City to a designated Disposal site.
- Q. *Inspector.* The person(s) authorized by the Director as having the duty of enforcement of this Chapter.
- R. *On Demand Collection Service.* A Roll Cart Container service level limited to the use of a thirty five (35) gallon capacity Roll Cart Container only. On Demand Collection Service may be requested by low volume waste Producers not requiring every week collection. On Demand Roll Cart Containers are equipped with colored lids that distinguish them from Roll Cart Containers collected weekly. On Demand Roll Cart Containers shall be collected only when they are set out for service. On Demand service customers shall be billed a monthly base fee and an additional “per service” fee, as determined by Resolution of the Council. The On Demand Collection Service shall be available only to single family residences, as determined by the Director. Where On Demand Collection Service results in frequent Over Service, the Director may discontinue On Demand Service to the Producer and may order collection service at a level appropriate to the Producer’s actual use.
- S. *Premises.* Land and all buildings and structures thereon including but not excluding by terms of enumeration, single or multi-family dwellings, rooming houses, apartment houses, hospitals, convalescent and nursing homes, hotels and motels, restaurants, drive-in establishments, schools (kindergartens, academic, trade or industrial), and any other place of habitation, office, shop or establishment or place of conducting a Business, trade or occupation.

- T. *Producer.* Any person, Business or other entity which produces Solid Waste within the City.
- U. *Resident.* Every person in possession, charge, custody or control of any Premises where Solid Waste is produced or accumulated.
- V. *Residential Unit.* A dwelling within the City occupied by a person or group of persons. A Residential Unit shall be deemed occupied when either occupied or producing Solid Waste. Each unit within an apartment or condominium dwelling shall be treated as an individual dwelling unit, unless served by a Mechanical Container or Compactor.
- W. *Service.* Solid Waste collection and transfer and Disposal of, or resource recovery from Solid Waste, as further defined by agreement.
- X. *Solid Waste.* All Solid Waste or Semi-Solid Waste including without limitation: Bulky, Household, Hazardous, Infectious, garbage, rubbish, refuse, trash, Ashes or swill, newsprint or waste paper, corrugated paper or cardboard, grass clippings, compost, discarded appliances, equipment, furniture, vehicle parts, tires, vegetable or animal wastes, wire, cement, concrete, demolition or other wastes resulting from industrial, commercial, agriculture, institutional and residential activities. Includes material that is no longer directly usable by the Producer, owner, Resident or possessor of the material, but may be recovered by another person. Solid Waste may include materials that may have value and thus be recovered. Solid Waste shall include waste presently in liquid form. No material shall be considered Solid Waste until placed for collection.
1. *Bulky Waste:* Stoves, refrigerators, water tanks, washing machines, furniture, appliances, springs, mattresses, carpets, demolition, commercial, industrial, tree stumps, tree trunks, logs, vehicle bodies and parts, wire, large dead animals (over ten (10) pounds), cement, concrete, sheetrock, sod, dirt, tires, rock, loose branches, any item weighing over sixty (60) pounds or over four feet (4') in length.
  2. *Heavy Waste / Inert Waste / Demolition Waste:* Heavy Waste and materials resulting from excavation, construction, remodeling, repair or demolition operations including rocks, tree trunks, logs, cement, concrete and sod.
  3. *Hazardous Waste:* Any chemical, compound, mixture, substance or article which is designated by federal law or regulation, Idaho law or regulation or the law or regulation of any other state when applicable (such as in the case of Solid Waste exported to or through another state for ultimate Disposal) to be "Hazardous," "dangerous," or "extremely dangerous."
  4. *Household Waste:* That waste produced by an ordinary Residential Unit, fitting into a Bag, Roll Cart Container or Bundle less than four feet (4') in length. Does not include Bulky, Infectious or Hazardous Wastes or any type of Solid Waste that is not normally collected by the Franchisee at residential or Business Units, on the regular collection routes.
  5. *Infectious Waste:* Any material, chemical, compound, mixture, substance or article known to be Infectious by the Producer or which is designated by the United States Environmental Protection Agency or other appropriate agency of the federal government or the State of Idaho to be "Infectious" as that term is commonly defined or defined by or pursuant to law.
  6. *Over Service:* Occasional extra waste material items (Bags, boxes, Bundles, etc.) that do not fit completely within an approved

Container with its lid fully closed, when such is placed at curb or alley within the City for collection.

7. *Putrescible Waste*: Solid Waste which has capacity to become rotten or foul.

8. *Unacceptable Waste*: That portion of the Solid Waste, exclusive of Hazardous Waste, such as, but not limited to, explosives, pathological and biological waste, radioactive materials, foundry sand, cesspool waste, human remains, industrial process wastes, motor vehicles (including major motor vehicle parts such as transmissions, rear ends, springs and fenders), agricultural and farm machinery and equipment, marine vessels and major parts thereof or any other large type of machinery or equipment, or that which in the reasonable judgment of Franchisee or the Director, may present a substantial endangerment to health or safety, or has a reasonable possibility of adversely affecting the operation of the Transfer Station or the acceptance of Transport Waste by the Ultimate Disposal Site.

(Ord. 2013-07, 04/15/2013)

**Sec. 9-3. Solid Waste Collection from Entire City.**

- A. All Solid Waste from the entire confines of the City shall be placed for collection by the Producer as provided for in this Chapter, and such regulations as the Council may approve, and shall be collected by a duly authorized Franchisee or contractor in order to maintain and preserve the sanitation and thereby the health and welfare of the City.
- B. The Council reserves the right to issue a franchise to such Franchisees as are necessary to carry out the terms of this Chapter. The Council reserves the right to award a franchise contract for the entire City or any portion thereof if deemed to be in the public interest.

The Council may advertise for proposals or bids to provide collection services and may award one (1) or more franchises within the City based on cost and a subjective evaluation of the services offered by the proponent or bidder. The Council may enter into a contract or contracts for Solid Waste services after reviewing and giving fair consideration to proponents.

- C. The Council shall charge a franchise fee or license fee to all Franchisees. Said fee shall initially be set at five percent (5%) of gross receipts, but may be revised by the Council from time to time by Resolution. Fees shall be payable on a monthly basis based on the licensee's gross revenue. Revenues retained by the City shall be used exclusively for costs related to the City's management of the Solid Waste system. Such revenues may be utilized for administration, code enforcement, maintenance of rights of way, for cleaning programs and for costs incurred in enforcing this Chapter. The Council may waive a franchise fee where the Franchisee is providing a public service worthy of such subsidy.
- D. The City shall have the power to regulate the maximum rate which a Franchisee may charge subject to the provisions contained in any agreement between the City and Franchisee. Franchisees shall maintain records of tonnage of Solid Waste hauled from the City through actual weighing of trucks. The City may require that Franchisees be bonded and maintain minimum levels of liability insurance.
- E. The City shall bill and collect all fees for Solid Waste collection within the City unless otherwise agreed. It shall be unlawful for any Franchisee to discount or "kick-back" funds or provide gifts to any Producer, government entity or an agent or employee thereof. The City shall not

be responsible for unpaid or bankrupt accounts.

**Sec. 9-4. Separation of Solid Waste.**

All Solid Waste shall be drained of excess water and all wet Household Solid Waste or Putrescible Wastes and any animal defecation shall be separately wrapped in tightly secured plastic Bags before being placed in a Container.

**Sec. 9-5. Compulsory Service.**

A. No Producer shall be permitted to refuse collection services provided for herein, and the failure of any Producer to receive such service shall not exempt such Producer from the payment of charges herein provided for, save and except any of those Producers residing in areas in which collection service is not available for the entire area, and in such areas where no service is rendered. The boundaries within the City exempted from such charges shall be established by the Director. Producers shall utilize Solid Waste collection services sufficient to remove Solid Waste generated by or accumulating weekly from the Producer's Premises. The Director may order collection service upgrades when such is determined necessary. When collection service upgrade is ordered by the Director, the Producer shall utilize additional Containers or a larger capacity Container.

B. Each Over Service item may be assessed Over Service additional charges. Frequent Over Service items shall require a service upgrade at the discretion of the Director.

(Ord. 2013-07, 04/15/2013)

**Sec. 9-6. Regulations.**

The Director is hereby empowered to prepare rules and regulations from time to time in connection with the preparation, handling, collection, transport and Disposal of Solid Waste within the City, subject to

the approval of the Council. Such regulations may include the regulation or prohibition of certain wastes which, in the Director's opinion, may constitute a danger to the public health, safety or welfare, or which may constitute a violation of applicable federal or state laws. One (1) copy of said rules and regulations shall be retained by the Clerk for use by the public, and the Franchisee shall be immediately notified of all changes. The Director may direct that the Franchisee shall not collect Solid Waste from any Premises where said rules and regulations are not complied with, and the failure to collect the same by such direction shall not relieve the Producer of such Premises from the payment of fees or penalties as provided for herein.

**Sec. 9-7. Regulations Relating to Hauling.**

A. No person shall be permitted to haul Solid Waste over the streets of the City unless such vehicle so conveying such waste is equipped with a canvas top or some other device effective to prevent the waste from being strewn and littered about the streets and alleys. No person shall convey Solid Waste over and across the streets or the alleys of the City for hire unless such person shall have first filed a written application and received a franchise to haul from the City.

B. No person, whether having entered into an agreement with the City for collection of Solid Waste, or not, shall be permitted to transport the Solid Waste over public thoroughfares in anything other than water tight Containers.

**Sec. 9-8. Solid Waste Accumulation Unlawful.**

It shall be unlawful for any person to permit or to allow to accumulate in or about any yard, lot, place or Premises; or upon any street, alley or sidewalk adjacent to such lot, yard, place, or Premises owned

or occupied by such person, any Solid Waste so as to cause such yard, lot, Premises or street or alley or sidewalk adjacent thereto to be or remain in such condition as to cause or create a nuisance, obstruction, hazard to the public health, or offensive odor or rodent harborage or thereby to be or to become, or to cause or create, a public or private nuisance within the City.

**Sec. 9-9. Collection from Private Property.**

A. All Solid Waste (except Ashes, Hazardous, Infectious or Unacceptable Waste) shall be placed in authorized Containers. Unless approved otherwise, all Solid Waste shall be placed at the curblines (as defined herein) in a manner whereby it may be easily seen.

B. 1. Producers using Roll Cart Containers with adequate alley access for collection equipment, as determined by the Director, shall receive collection service from the alley. All other collection service shall be conducted from the curblines/curbside adjacent to a City street.

Solid Waste Producers not abutting public streets or alleys shall permit access to the Franchisee for collection and Disposal of Solid Waste placed in Containers. Requests for accommodation due to special circumstances shall be reviewed by the Director. The Director shall determine which locations are best suited for alley or curb collection. The specific location for such collection will be based on considerations including, but not limited to, vehicle access, site-specific conditions and operational efficiency and convenience.

2. For purposes of this Chapter, Roll Cart Containers placed or stored adjacent to alleys (including On Demand Roll Cart Containers) shall be considered to

be placed at that location for collection and shall be charged accordingly. Roll Cart Containers (including On Demand Roll Cart Containers) shall be placed for collection no later than seven (7:00) a.m., local time, on the day of scheduled collection (as determined by the Director). Roll Cart Containers (including On Demand Roll Cart Containers) shall be promptly removed and stored out of general curbside, sidewalk or collection area(s) by the Producers, by 12:00 p.m. (noon) local time on the next day following the scheduled collection day.

C. 1. Solid Waste shall be placed in Compactor Containers, Mechanical Containers, or Roll Cart Containers approved by the Director. Solid Waste shall not be placed in any type of Container other than those defined in this Chapter. All Containers shall be loaded to allow ease of dumping of contents when the Container is inverted. Solid Waste shall not be compacted in a Container in a manner that interferes with easy removal of Solid Waste from the Container.

2. Roll Cart Container contents shall be able to fall freely from within the Roll Cart Container when dumped or emptied. All Roll Cart Container lids shall be in a completely closed position and shall swing freely open when the Container is collected by the Franchisee. Each property owner / Producer shall be financially responsible for lost, stolen, damaged or otherwise missing Roll Cart Containers. Roll Cart Containers shall remain at the property/address to which such Roll Cart Container is registered until such is exchanged or removed by Franchisee (due to tenant change, account change, sale of property or when the property becomes otherwise vacated, etc.). All

Roll Cart Containers shall remain the property of the Franchisee.

3. Solid Waste exceeding Container capacity (e.g., Over Service) shall be placed in securely tied Bags or Bundles and shall be secured from blowing or becoming scattered. Overfilled or overloaded Containers may result in additional charges to the Producer(s).
- D. Ashes placed for collection shall be cold and free from any fire, live coals or other substances which might ignite. Ashes shall be placed in tightly secured plastic Bags and placed in a separate metal Container from any flammable materials.
- E. Small tree limbs, when tied in Bundles not over four feet (4') long and weighing less than thirty-five (35) pounds, will be collected.
- F. Magazines and papers may be tied in Bundles but must not be put out in wet weather or any earlier than twelve (12) hours before collection time unless in a sealed Container.
- G. Broken concrete, rocks, plaster, discarded building materials, trees, large tree limbs and other Bulky waste may not be placed for collection as Household Waste.
- H. Bags containing Solid Waste except Hazardous, Infectious or Unacceptable Waste will be collected but may not be set out for service until the morning of the collection day. Bags may be placed for collection in advance of the collection day if they contain only leaves, grass cuttings, weeds and hedge trimmings. Bags containing Solid Waste must weigh less than thirty five (35) pounds.
- I. Loose paper, waste basket material, waste paper, etc., must be placed in covered Containers.
- J. Dead animals or portions thereof placed for collection must weigh less than ten (10) pounds and must be placed in a securely tied plastic Bag,

then in a Container with a tight fitting lid.

- K. Hazardous, Infectious or Unacceptable Waste must be disposed of in a manner consistent with federal, State of Idaho, and City regulations. Anyone needing to dispose of Hazardous Waste must contact the Director and Franchisee. All fees and charges regarding Hazardous Wastes shall be the responsibility of the Generator thereof. The Franchisee may require a deposit from the Hazardous Waste Generator prior to pickup of Hazardous Waste. Title to Hazardous Waste shall remain with the Hazardous Waste Generator.
- L. Infectious Solid Waste must be disposed of in a manner consistent with this Code, the Idaho Code and federal regulations. Such waste must be double Bagged in securely tied plastic Bags, inside clearly marked puncture proof plastic Containers in a manner approved and placed by the Director and the Franchisee, who shall be notified by the Producer of the fact that such waste is being placed for collection. Title to Infectious Waste shall remain with the Producer.  
(Ord. 2013-07, 04/15/2013)

**Sec. 9-10. Solid Waste Produced by Business Units.**

- A. Every owner or lessee or person in charge of any commercial or industrial establishment or other similar place where Solid Waste other than Hazardous, Infectious or Unacceptable Waste is produced or accumulated shall provide or cause to be provided for such Producer, a metal, water tight Container into which all Solid Waste (except Hazardous, Infectious or Unacceptable Waste) which has been properly and sanitarly prepared for Disposal shall be placed. Said Container shall have a tight fitting cover and shall be kept covered. Individual arrangements shall be

reviewed by the Director and Franchisee.

- B. Loose paper, waste basket material, waste paper, etc., must be placed in covered Containers.
- C. Solid Waste resulting from the construction, reconstruction or repairs of Premises shall not be placed with other Solid Waste for collection, but shall be disposed of directly by the Producer owning, occupying or leasing the Premises, unless specific arrangements have been made with the Director and Franchisee.
- D. Residents having a commercial use in their home shall be billed a commercial rate.
- E. Hazardous, Infectious and Unacceptable Waste must be disposed of in a manner consistent with this Code, the Idaho Code and federal regulations and as set forth elsewhere in this Chapter, and other reasonable regulations which may be formulated by the Director.
- F. Mechanical Containers and Compactors may not be filled in a manner which exceeds safe loading weights and volumes.
- G. It shall be unlawful to place Bulky Waste, Heavy Waste, Hazardous Waste, Infectious Waste or Unacceptable Waste in any Mechanical Container or Compactor unless the Producer or Generator has obtained the written approval for such action from the Director and the Franchisee.

**Sec. 9-11. Burning Prohibited.**

The burning of substances of any kind within the City is hereby prohibited except by special permit issued by the Fire Chief or the Fire Chief's designee or except during specific periods authorized for burning by the Council.

**Sec. 9-12. Solid Waste Disposal Prohibited.**

- A. It shall be unlawful for any person to incinerate Solid Waste or to deposit the same on vacant lots or private property. No person, including the Franchisee shall drop, spill or permit Solid Waste to fall upon any private property, public street, alley or right-of-way without immediately cleaning up said waste.
- B. After emptying any Container (except Bags), Franchisee's employee shall return Containers to the location in which such Containers were taken and shall replace the covers. Space about the Containers shall be left free from any Solid Waste spilled during the collection. The Franchisee is not responsible for cleaning up conditions about Solid Waste Containers caused by the carelessness of the owner or others.

**Sec. 9-13. Theft of Services.**

- A. It shall be unlawful for any person to deposit Solid Waste in any Commercial Container placed for a private or public individual, Business, or agency unless the person has been so authorized by the owner or individual in charge of the Container.
- B. It shall be unlawful for any person not a resident of the City to leave Solid Waste with a City resident for pickup pursuant to this Chapter.
- C. It shall be unlawful for a Business or Business Unit to place compostable materials generated by such Business or Business Unit into the composting bins placed for public use at the Moscow Recycling Center.
- D. It shall be unlawful for any person to deposit Solid Waste, other than acceptable compostable materials or acceptable recyclable materials as defined by the City, at the Moscow Recycling Center.



- E. Violation of this section shall be construed as a "theft of services."

**Sec. 9-14. Suppression of Nuisances.**

- A. The Director shall take cognizance of all Solid Waste related nuisances within the limits of the jurisdiction of the City and shall take such measures as may be effectual to suppress and abate the same, including contracting to abate such nuisances and billing the property owner for the expenses of abatement.
- B. The improper collection, Disposal or discharge into the atmosphere of Hazardous material is hereby declared to be a nuisance and is unlawful.

**Sec. 9-15. Appeals.**

- A. Any person aggrieved by the action of denial, suspension or revocation of the license by the Clerk shall have the right of appeal to the Council.
- B. Such appeal shall be taken by filing with the Clerk written notice thereof within ten (10) business days after the denial or the entry of the order of suspension or revocation. The notice of appeal shall specify an address at which the person appealing may be given notice of hearing on the appeal.
- C. At the appeal hearing before the Council, the applicant or person appealing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation or may appear through legal counsel. City staff shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order of suspension or revocation. Failure by applicant, person appealing, or their representative to appear before Council at the time scheduled to hear such an appeal shall result in the automatic denial of such appeal.
- D. The Council shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing

within fifteen (15) business days following the close of the hearing.  
(Ord. 2009-06, 02/17/2009)

**Sec. 9-16. Penalties.**

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code.

Each day such violation is committed or permitted to continue and/or each separate incident shall constitute a separate offense and shall be punishable as such hereunder.

**Sec. 9-17. Rates.**

The Council is hereby authorized to adopt rates to be charged Producers and Generators by Resolution.