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MEMO

DATE: August 23, 2023

TO: Mayor Brian Blad and City Council

FROM: Tom Kirkman, Deputy Public Works Director

SUBJECT: Review & Update of Garbage and Refuse Ordinance – Chapter 13.28

The City Sanitation Department staff has reviewed the Pocatello Municipal Code Title 13 “Public Services,” Chapter 13.28 “Garbage and Refuse” in order to update and clarify the language in accordance to current policies and regulations associated to the City’s sanitation services.

The proposed modifications incorporate a better understanding of the City’s current role as the sole proprietor in the collection of refuse within Pocatello and helps eliminate confusion on who may engage or participate in the removal or disposal of garbage and refuse. In addition, clarity is given on mandatory collection service and billing, as well as the designated collection points for premises within Pocatello’s jurisdiction.

It is my recommendation for the City Council to adopt the amendments to Chapter 13.28 to promote and ensure better understanding of the City’s garbage and refuse services.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING TITLE 13, CHAPTER 28 "GARBAGE AND REFUSE", OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO SPECIFICALLY AMENDING SECTIONS 13.28.020 "GARBAGE COLLECTION SERVICE"; 13.28.030 "MUNICIPAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL SERVICE COMPULSORY"; 13.28.060 "LOCATION OF COLLECTION POINT"; 13.28.080 "REGULATIONS FOR GARBAGE/REFUSE HAULING, HAULING OF OTHER ITEMS, AND RECYCLING OPERATIONS"; 13.28.090 "CONTAINERS, STORAGE SITES, LOCATION OF COLLECTION POINT"; 13.28.130 "REMOVAL OF UNAPPROVED CONTAINERS"; 13.28.140 "REVIEW OF CUSTOMER SERVICE"; 13.28.170 "CONSTRUCTION DEBRIS AND HOUSEHOLD HAZARDOUS WASTE"; 13.28.180 "UNAUTHORIZED MATERIAL"; 13.28.210 "SUPPRESSION OF NUISANCES"; 13.28.220 "INTERFERING WITH SANITATION SUPERINTENDENT"; AND 13.28.230 "FEES, RATES, AND CHARGES" TO PROVIDE CLARITY TO CURRENT POLICIES AND REGULATIONS ASSOCIATED WITH THE CITY OF POCATELLO SANITATION DEPARTMENT; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, City staff has determined it necessary to provide clarification of policies and regulations associated with the City's sanitation services; and

WHEREAS, the City Council has determined that the recommended amendments are appropriate and are in the best interest of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That Pocatello Municipal Code 13.28.020 "Garbage Collection Service" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.020: GARBAGE COLLECTION SERVICE:

The city or its duly authorized contractor shall be the sole proprietor to collect and dispose of all garbage/refuse which has been properly placed for collection as provided in this chapter. It shall be unlawful for any person to conduct, engage, or otherwise participate in any private business, undertaking, or enterprise for the removal or disposal of waste for pecuniary gain or profit. The sanitation ~~superintendent~~ director or manager is hereby authorized to promulgate such other rules, regulations, and policies as may be necessary for the care and maintenance of

the city issued containers and the effective and orderly collection of refuse. Copies of such policies shall be kept at the sanitation department and made available to the public.

Section 2: That Pocatello Municipal Code 13.28.030 “Municipal Garbage and Refuse Collection and Disposal Service Compulsory” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.030: MUNICIPAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL SERVICE COMPULSORY:

Garbage/refuse collection service provided under the terms of this chapter shall be deemed mandatory for all premises occupied with associated water/sewer services and/or which generate garbage/refuse and the. The owners or occupants of such premises shall be required to pay such costs as are billed. No person shall be permitted to refuse to accept the collection and disposal service provided for in this chapter. The temporary failure of any person to receive such service shall not exempt such person from payment of charges provided for in this chapter. Temporary vacancy of all utility services may exempt a person from garbage/refuse collection services until such time as utility services are restored.

Section 3: That Pocatello Municipal Code 13.28.060 “Locations of Collection Point” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.060: LOCATION OF COLLECTION POINT:

The sanitation ~~superintendent~~ director or manager shall have the authority to designate the location where refuse shall be placed for collection. Every City-provided container shall remain at the address to which it is assigned and as distributed and must be placed in accordance to current policy. If any collection point is located in such a manner that it is necessary for the collection vehicle to enter into or cross private property or private drive to reach the collection location, the ~~superintendent~~ director or manager may require that such collection point be moved to a location which would not require such travel or entry into the private property or private drive. Notarized property waivers may be signed by the current property owner/representative to allow for placement and collection on private property.

Section 4: That a new subsection to Pocatello Municipal Code 13.28.080 “Regulations for Garbage/Refuse Hauling, Hauling of Other Items, and Recycling Operations” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be added and amended to read as follows:

13.28.080: REGULATIONS FOR GARBAGE/REFUSE HAULING, HAULING OF OTHER ITEMS, AND RECYCLING OPERATIONS:

A. The City or its duly authorized contractor is the sole proprietor to collect and dispose of all garbage/refuse within the city limits. An exception may be granted by the director or manager to allow private contractors the ability to collect and dispose of their own garbage/refuse while in the process of performing services associated with a specific project they have been hired to perform. With this exception, all containers must be placed on private property and not within the city streets or rights-of way.

AB. No person shall collect or haul refuse or other materials, including items for recycling, over the public rights of way unless such material is secured with some form of covering or other device sufficient to prevent the refuse or other materials from falling onto the streets and alleys and/or private property.

BC. Recycling operations are subject to review by the sanitation ~~superintendent~~ director or manager and any person who desires to establish a system to collect materials for recycling must have a plan of operation which plan shall include, at a minimum, a description of the type of material to be collected, location of collection points, frequency and method of collection, a description of the vehicles and equipment used for collecting the materials, and a description of the facilities to which the materials will be hauled. This information must be set out in writing and made available to the sanitation ~~superintendent~~ director or manager or any person desiring a copy of such plan/procedures.

CD. Any person collecting materials for recycling shall provide sufficient safeguards against the unsightly accumulation of materials in locations visible to the public, adequate methods for securing the loads, and shall ensure that any location or method employed for the storage of vehicles and equipment used in the operation as well as the location and condition of any premises used as the temporary destination point of the materials to be recycled do not violate the provisions of any ordinance or regulation of the city, county, state, or federal government.

DE. The violation of any provision of this section shall be deemed a misdemeanor for which the sanitation ~~superintendent~~ director or manager shall cause a citation to be issued. Each day on which the violation continues shall be considered to constitute a separate misdemeanor.

Section 5: That Pocatello Municipal Code 13.28.090 "Containers, Storage Sites, Location of Collection Point" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.090: CONTAINERS, STORAGE SITES, LOCATION OF COLLECTION POINT:

A. The sanitation ~~superintendent~~ director or manager shall designate the type, size, and number of containers required to accommodate the garbage/refuse generated by any premises.

B. For commercial, industrial, or multiple housing or multiple commercial units, the sanitation ~~superintendent~~ director or manager shall also designate the location and size of storage areas for refuse containers and/or materials for recycling and is hereby authorized to determine if off street collection is required. Each individual unit within a multi-unit complex, whether commercial or residential, shall have separate collection service and containers. Provided, however, at the discretion of the sanitation ~~superintendent~~ director or manager, if the service can be billed to one entity, such units within a structure or complex may "share" one or more three (3) yard or larger containers for refuse collection if the units are under the same ownership.

D. All refuse for premises not approved for off street collection service shall be collected into city approved containers and shall be placed at or near the curb line so as to be easily seen and readily available for pick up on the regular collection day(s). Such containers must be so placed no earlier than six o'clock (6:00) P.M. on the day prior to collection and no later than seven o'clock (7:00) A.M. on the day of collection. Such containers may not be permanently located on the public rights of way without permission of the sanitation ~~superintendent~~ director or manager. Owners of property whose collection point is not at curbside shall provide access to the collector onto the premises for the collection and disposal of refuse at the location designated by the sanitation ~~superintendent~~ director or manager.

H. All refuse must be fully contained within approved receptacles for collection. All materials placed for recycling must be neatly and adequately secured for collection by means approved by the sanitation ~~superintendent~~ director or manager. The failure of any manager, owner, tenant, or other person in charge of a premises which generates garbage, or is the location for materials set out for recycling, to adequately contain or secure refuse or materials for recycling shall be considered to be a violation of this section and will be subject to special pick-up charges in accordance to current policy, and/or a separate misdemeanor citation may be issued for each day on which the violation continues.

Section 6: That Pocatello Municipal Code 13.28.130 “Removal of Unapproved Containers” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.130: REMOVAL OF UNAPPROVED CONTAINERS:

The sanitation ~~superintendent~~ director or manager shall have the authority to remove any noncity issued or noncity approved containers placed on the public right of way.

Section 7: That Pocatello Municipal Code 13.28.140 “Review of Customer Service” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.140: REVIEW OF CUSTOMER SERVICE:

The sanitation ~~superintendent~~ director or manager shall review the number of containers, along with the number of pick ups per week, scheduled to serve the customer and shall increase or decrease either in order to serve the customer in the most efficient manner. Review may be requested by the customer or the ~~superintendent~~ director or manager may provide such review if in ~~his~~ their opinion the number of containers or scheduled pick ups are not sufficient to provide for adequate removal of the trash or garbage generated by the customer. After such review the ~~superintendent~~ director or manager shall make the necessary adjustment and bill accordingly.

Section 8: That Pocatello Municipal Code 13.28.170 “Construction Debris and Household Hazardous Waste” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.170: CONSTRUCTION DEBRIS AND HOUSEHOLD HAZARDOUS WASTE:

A. Except as otherwise provided herein, materials resulting from or used in the construction, reconstruction or repairs of premises shall not be placed with other refuse for collection but shall be disposed of directly by the person or persons owning, occupying or leasing the

premises or by the person performing the work. Upon approval of the sanitation ~~superintendent~~ director or manager, special arrangements can be made for disposal of such material through the use of city issued open top boxes, bins, compactors or other suitable means.

Section 9: That Pocatello Municipal Code 13.28.180 "Unauthorized Material" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.180: UNAUTHORIZED MATERIAL:

Unless approved by the sanitation ~~superintendent~~ director or manager, it is unlawful for any person to place, cause to be placed, or allow such items as parking lot or street sweepings; building material, such as concrete blocks, sand, sheetrock, etc.; nor such items as motor blocks, debris from auto repair, or any other material in any container, compactor or other receptacle which creates a weight or other condition that might prevent the container from being readily emptied by the collector's truck.

Section 10: That Pocatello Municipal Code 13.28.210 "Suppression of Nuisances" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.210: SUPPRESSION OF NUISANCES:

The sanitation ~~superintendent~~ director or manager is authorized to take any measure he/she deems appropriate to abate nuisances relating to the provisions of this chapter within the city.

Section 11: That Pocatello Municipal Code 13.28.220 "Interfering With Sanitation Superintendent" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.220: INTERFERING WITH SANITATION SUPERINTENDENT DIRECTOR OR MANAGER:

It is unlawful for any person to interfere with or to obstruct the sanitation ~~superintendent~~ director or manager or his/her employees during the performance of his/her duties under this chapter.

Section 12: That Pocatello Municipal Code 13.28.230 “Fees, Rates, and Charges” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

13.28.230: FEES, RATES, AND CHARGES:

Fees, rates and charges for the municipal refuse collection services as described in this chapter shall be set each fiscal year by resolution of the city council. Copies of each resolution shall be kept on file and made available in the office of the city clerk. Use of compactors, roll-off boxes or other special containers may be permitted by the sanitation ~~superintendent~~ director or manager. Rates for collection, rental, and cleaning of such special containers shall also be set by resolution. The sanitation director or manager is authorized to correct or adjust billing charges associated with this chapter in accordance with current policies and billing procedures.

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Section 13: That all other provisions of Chapter 13.28 shall remain in full force and effect.

Section 14: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this ____ day of _____, 2023.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk