

ORDINANCE NO. 2020-_____

AN ORDINANCE relating to health and sanitation; revising various refuse rates, fees and charges; adjusting various refuse rates, fees and charges; adding clarifying language; and amending Sections 4.16.010; 4.16.130; 4.16.140; 4.16.160; and 4.16.170 of the Yakima Municipal Code accordingly.

WHEREAS, the City's current refuse rates, outlined in ordinance, only reflect rates through 2020; and

WHEREAS, the City Council must adopt refuse rates past 2020 to cover the costs associated with municipal refuse collection and other related activities; and

WHEREAS, additional minor changes to Chapter 4.16 are appropriate to further clarify responsibilities of ratepayers and users of the City's refuse services, and to maintain necessary health and sanitation standards; and

WHEREAS, the City Council determines that it is in the best interests of the residents of the City that ordinances related to refuse fees, charges and related matters be amended as set forth in this Ordinance; and

WHEREAS, the City Council determines that the rates, fees and charges contained in this Ordinance are fair, just and reasonable; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Chapter 4.16.010 of the Yakima Municipal code is hereby amended to read as follows:

4.16.010 Definitions

As used in this chapter, the following words and phrases shall have the following meanings ascribed to them, unless the context indicates otherwise:

"Ashes" means residue resulting from the combustion of coal, coke, wood or other material in domestic, industrial or commercial stoves, furnaces or boilers.

"Base fee" means a "ready to serve" fee included within each refuse account. The base fee is intended to defray operating costs incurred by the utility for the provision of refuse utility service throughout the utility service area, including but not limited to transportation and refuse collection services serving all accounts and persons within the utility service area. Such costs are incurred by the city even when an individual collection account is suspended or otherwise held in abeyance..

"Cart", "Container" or "Bin" means a container provided by the City for refuse or yard material designed for automated collection.

“Prepared” and “raw garbage” means waste materials from kitchens, dining rooms and similar places from which liquids have been drained.

“Refuse” means all sweepings, trash, rubbish, litter, garbage, industrial or domestic wastes, organic wastes or residue of animals sold as meat, fruit or other vegetable matter from kitchens, dining rooms, markets, or places dealing in or handling meats, fowls, fruits, grain or vegetables, ashes and cinders, offal, animal excreta and accumulated waste materials or substances which may become nuisances, provided that any of the aforementioned items must occur in volumes greater than one cubic foot.

“Special haul material” means waste material such as dirt, wood, stone, brick, plaster or materials resulting from the demolition, alteration or construction of buildings or structures, or yard trimmings or material larger than four inches in diameter or too long to fit within a ninety-six gallon cart when covered by its lid, or discarded fruit.

“Trash” means waste material containing no putrid matter.

“Unacceptable material” means material that is not accepted at the county landfill or other disposal sites for disposal. Unacceptable material includes but is not limited to tires, paints, oil, fluorescent tubes, car batteries, liquids or chemicals or other hazardous materials.

“Yard material” means waste material from tree and shrub trimmings, yard trimmings, leaves and brush and uprooted trees or shrubs. For the purpose of YMC [4.16.020](#), yard materials are rubbish, trash, or other refuse. (Ord. 2015-031 § 1, 2015: Ord. 2013-009 § 1 (part), 2013: Ord. 2004-25 § 1, 2004: Ord. 2001-34 § 1, 2001: Ord. 2272 § 1, 1979: Ord. 441, 1963; Ord. B-1523 § 1 (part), 1953).

Section 2. YMW 4.16.130 is amended to read as follows:

4.16.130 Preparation of garbage for collection—Regulations to be followed.

A. It is unlawful for any person, firm or corporation in the residential classification, as hereinafter classified, to dispose of or store garbage in refuse carts unless such garbage has been prepared for collection, removal and disposal and complies with the definition of “prepared garbage” as set out in this chapter; except, however, that fruit and vegetable wastes which contain a high moisture content and are not susceptible to ready draining shall be deposited as near as possible with ashes or other refuse of a dry nature. For public health and safety, all garbage is to be bagged in a manner to prevent spillage and placed in the carts provided by the City.

B. It is unlawful for any person, firm or corporation in the business classification, as hereinafter classified, to dispose of or store garbage in refuse carts unless such garbage has been prepared for collection, removal and disposal and complies with the definition of “raw garbage” as set out in this chapter; except, however, that fruit and vegetable wastes which contain high moisture content and are not susceptible to ready draining shall be deposited as near as possible with ashes or other refuse of a dry nature. (Ord. 2013-009 § 1 (part), 2013: Ord. 441, 1963; Ord. B-1523 § 9, 1953).

Section 3. YMW 4.16.140 is amended to read as follows:**4.16.140 Classification of premises—Charges.**

A. For the purpose of regulating the collection of garbage and refuse in the city of Yakima there are established two classifications: one to be known as the “residential classification,” and the other as the “business classification.” The residential classification shall include all premises occupied as a single-family housekeeping unit, either in dwelling houses, apartments, or other multiple residences. “Residential unit,” as used herein, is defined as a unit in which all persons reside together as a single family, whether in single or multiple dwellings. The business classification shall include all other premises.

Provided, property owned by the city may be served by city equipment and crews independently of the classifications and rates established by this chapter; provided further, the rules and regulations established by this chapter pertaining to receptacles and to the preparation, storage, and collection of garbage, refuse and debris shall be applicable to all property within the city, including that owned by the city.

B. The collection of all refuse in the business classification shall be made only by licensed collectors, hereinafter provided for, at rates to be set by the Washington Utilities and Transportation Commission.

C. The collection of all refuse in the residential classification shall be conducted by the city of Yakima equipment and personnel and financed by garbage and refuse collection fees hereinafter set forth. The city of Yakima shall not collect refuse from apartments or multiple units in excess of four units except upon the request of the owner or operator thereof. The following collection fees and practices shall apply for all garbage collection services conducted by the city of Yakima:

1. There are hereby imposed for refuse collection in the residential classification the following charges and fees for each single-family dwelling and for each residential unit in any multiple dwelling:

Type of Residential Refuse Collection Service	Average Monthly Charge Effective Jan. 1, 2021	Average Monthly Charge Effective Jan. 1, 2022	Average Monthly Charge Effective Jan. 1, 2023	Average Monthly Charge Effective Jan. 1, 2024	Average Monthly Charge Effective Jan. 1, 2025
At Curb or Alley					
Each 32-gallon cart	\$ 19.10	\$19.70	\$20.30	\$20.90	\$21.50
Each 96-gallon cart	\$21.85	\$22.60	\$23.35	\$24.10	\$24.85
Carry-Out Collection					
Each 32-gallon cart	\$34.50	\$35.35	\$36.20	\$37.05	\$37.90
Each 96-gallon cart	\$37.10	\$38.20	\$39.30	\$40.40	\$41.50

Type of Residential Refuse Collection Service	Average Monthly Charge Effective Jan. 1, 2021	Average Monthly Charge Effective Jan. 1, 2022	Average Monthly Charge Effective Jan. 1, 2023	Average Monthly Charge Effective Jan. 1, 2024	Average Monthly Charge Effective Jan. 1, 2025
Overfill Fee	\$3.00	\$3.10	\$3.20	\$3.30	\$3.40
Call Back Charge	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
Ready to Serve Fee Weekly	\$2.15	\$2.25	\$2.35	\$2.45	\$2.55
Ready to Serve Fee Monthly	\$9.10	\$9.35	\$9.60	\$9.85	\$10.10
Extra Cart	\$3.00	\$3.10	\$3.20	\$3.30	\$3.40

An overfill fee shall be imposed each time an automated cart is filled past its visible full limit or the cart lid will not close due to overfilling. Carts filled with unacceptable material will be tagged and left at the curb.

A call-back charge shall be imposed each time a customer requests refuse collection service at a time other than the regularly scheduled time.

Metal bin service charges shall be as follows:

Type of Residential Bin Service	Average Monthly Charge Effective Jan. 1, 2021	Average Monthly Charge Effective Jan. 1, 2022	Average Monthly Charge Effective Jan. 1, 2023	Average Monthly Charge Effective Jan. 1, 2024	Average Monthly Charge Effective Jan. 1, 2025
2-Yard					
Each bin, collected weekly	\$111.50	\$115.40	\$119.44	\$123.62	\$127.95
Each additional bin	\$111.50	\$115.50	\$119.44	\$123.62	\$127.95
Each additional pickup per bin	\$67.38	\$69.74	\$72.18	\$74.70	\$77.32
Call back charge	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
4-Yard					
Each bin, collected weekly	\$177.53	\$183.75	\$190.18	\$196.83	\$203.72

Type of Residential Bin Service	Average Monthly Charge Effective Jan. 1, 2021	Average Monthly Charge Effective Jan. 1, 2022	Average Monthly Charge Effective Jan. 1, 2023	Average Monthly Charge Effective Jan. 1, 2024	Average Monthly Charge Effective Jan. 1, 2025
Each additional bin	\$177.53	\$183.75	\$190.18	\$196.83	\$203.72.
Each additional pickup per bin	\$131.96	\$136.58	\$141.36	\$146.31	\$151.43
Call Back Charge	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
6-Yard					
Each bin, collected weekly	\$243.62	\$252.14	\$260.97	\$270.10	\$279.56
Each additional bin	\$242.84	\$252.14	\$260.97	\$270.10	\$279.56
Each additional pickup per bin	\$199.49	\$206.47	\$213.69	\$221.17	\$228.91
Overfill fee	\$16.37	\$16.89	\$17.43	\$17.98	\$18.55
Call Back Charge	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00

An overfill fee shall be imposed each time a bin is filled past its visible full limit or the bin lid will not close due to overfilling. Bins containing unacceptable material will not be collected.

A call-back charge shall be imposed each time a customer requests refuse collection service at a time other than the regularly scheduled time.

Other charges and fees:

Service	Effective Jan. 1, 2021	Effective Jan. 1, 2022	Effective Jan. 1, 2023	Effective Jan. 1, 2024	Effective Jan. 1, 2025
Temporary 2-Yard Bin Accounts:					
Initial Delivery/Rental Fee	58.00	\$59.00	\$60.00	\$61.00	\$62.00
Bin Dump and Disposal	\$19.17	\$19.17	\$19.65	\$19.65	\$20.14
Daily Bin Rental	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00

Service	Effective Jan. 1, 2021	Effective Jan. 1, 2022	Effective Jan. 1, 2023	Effective Jan. 1, 2024	Effective Jan. 1, 2025
Temporary 4-Yard Bin Accounts:					
Initial Delivery/Rental Fee	\$68.00	\$69.00	\$870.00	\$71.00	\$72.00
Bin Dump and Disposal	\$28.34	\$28.34	\$29.31	\$29.31	\$30.27
Daily Bin Rental	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Temporary 6-Yard Bin Accounts:					
Initial Delivery/Rental Fee	\$78.00	\$79.00	\$80.00	\$81.00	\$82.00
Bin Dump and Disposal	\$37.51	\$37.51	\$38.96	\$38.96	\$40.41
Daily Bin Rental	\$7.00	\$7.00	\$7.00	\$7.00	\$7.00
Overfill Fee	\$16.37	\$16.89	\$17.43	\$17.98	\$18.55

Bin service will be considered temporary for the first two months of service and charged per day rent charges accordingly. After two consecutive months of service, users will be considered permanent.

An overfill fee shall be imposed each time a bin is filled past its visible full limit or the bin lid will not close due to overfilling. Bins containing unacceptable material will not be collected.

A call back charge shall be imposed each time a customer requests refuse collection service at a time other than the regularly scheduled time.

2. In addition to the charges and fees imposed by subsection (C)(1) of this section, a separate charge, to be known as the “yard service charge,” is imposed on each residential unit that elects to receive yard material collection service from the city during the nine-month period of each year commencing March 1st and ending November 30th. Such service shall utilize one or more ninety-six-gallon carts owned and provided by the city. The yard service charges shall be as follows:

Type of Residential Yard Waste Service	Average Monthly Charge Effective Jan. 1, 2021	Average Monthly Charge Effective Jan. 1, 2022	Average Monthly Charge Effective Jan. 1, 2023	Average Monthly Charge Effective Jan. 1, 2024	Average Monthly Charge Effective Jan. 1, 2025
Each 96-gallon cart	\$17.55	\$17.95	\$18.35	\$18.75	\$19.15

Type of Residential Yard Waste Service	Average Monthly Charge Effective Jan. 1, 2021	Average Monthly Charge Effective Jan. 1, 2022	Average Monthly Charge Effective Jan. 1, 2023	Average Monthly Charge Effective Jan. 1, 2024	Average Monthly Charge Effective Jan. 1, 2025
Each additional 96-gallon cart	\$8.85	\$9.10	\$9.35	\$9.60	\$9.85
Overfill fee (yard debris)	\$3.00	\$3.10	\$3.20	\$3.30	\$3.40
Call-back charge	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00

The appropriate charge shall be billed to each residential unit that elects to receive this service at the time and as a part of the billings rendered for other city services applicable for that nine-month period.

A two-month minimum service level shall be established. If yard waste service is canceled mid-season accompanied by a cart removal request a call-back charge shall be imposed.

A call-back charge shall be imposed each time a customer requests yard material collection service at a time other than the regularly scheduled time.

Yard waste carts shall only contain vegetation material such as grass clippings and plant trimmings including woody material less than three inches in diameter. Dirt, construction and demolition debris, tree branches more than four inches in diameter, or rubble is not allowed in yard waste carts. Yard waste carts filled with nonvegetation material will be tagged and left at the curb. Failure to use this cart as described will result in an additional refuse cart fee added to the utility bill.

An overfill fee shall be imposed each time a yard service cart is filled past its visible full limit or the cart lid will not close due to overfilling. Carts containing unacceptable material will not be collected.

3. All of the charges and fees for garbage, refuse and yard waste collection provided in subsections (C)(1) and (C)(2) of this section shall be billed for and paid at the same time and for the same period as billings and payments are made for other city utility services; or, in the event a customer is served by the refuse division but is not served with another city utility, garbage and refuse collection charges shall be billed and paid for according to the schedule which would be applicable to such customer were he so served with another city utility service. Accounts shall become delinquent if not paid within the time specified by YMC 7.50.080 for payment of water service charges.

4. Occupied Residences. A residence shall be considered occupied until the owner or his/her authorized agent notifies the city's utility billing department that the unit is vacant. Vacancy status starts the date the owner gives proper notice or at a future date specified by the owner. A residence is considered occupied until it no longer contains residents or occupants. Upon notification to the city, the account can be placed in abeyance for a fee of twenty-five dollars, which will suspend the monthly refuse charge until a notification of occupancy is received by utility billing. The refuse carts will be picked up upon abeyance notification and returned upon renewed occupancy notification. If carts are not available for

pickup, then the abeyance will be denied and monthly refuse charges will continue to be billed. Garbage and refuse collection charges will be suspended for any customer upon advance notice to the office of the division of utility accounts that a particular premises served will be unoccupied and such charges will be resumed on notice to such office to resume service. No refund of charges will be made if the resident makes application after the fact. Except as otherwise provided in subsection (C)(5) of this section pertaining to snowbird accounts, no such suspension of charges for garbage and refuse collection service will be made for any premises served with any other city utility unless all city utility services to such premises are likewise suspended or placed in abeyance.

Application for resumption of service to a new customer shall be made to the office of the division of utility accounts on forms provided for that purpose which shall contain the name of the customer and the street address and number of units of the premises to be served.

5. Snowbird. Owner/occupants who are planning to leave the city of Yakima for a period greater than thirty days may make application at the city utility division to have their waste collection placed in snowbird status for the time of their absence. The absence must be continuous and the request for a disruption in service must be made prior to the resident leaving the city for an extended period.

No refund of charges will be made if the resident makes application after the fact.

Owner/occupant must request a resumption of service in the month of their return. If the cart is placed out for service while the account is in snowbird status, a collection fee will be assessed.

Owner/occupant will be charged the ready to serve fee for each week that they are in snowbird status.

Waste pickup may be discontinued for no more than ninety days and not less than thirty days during snowbird status.

A call-back charge will be assessed if a cart is requested to be removed during snowbird status.

Any resident who is found abusing this policy will not be given the opportunity to avail themselves of this policy in the future.

6. Collection service may be suspended for nonpayment of accounts, but such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter or other ordinances pertaining to garbage, refuse, or sanitation. Such suspension of service shall render the premises where such collection service is suspended subject to condemnation for lack of sanitary requirements, and the owner or person in charge or in possession of said premises shall be subject to prosecution for maintaining a nuisance thereon, as well as enforcement of all other applicable laws.

7. Upon failure to pay such charges and upon delinquency, the amount thereof shall become a lien against the property from which the garbage collection service shall have been rendered. Such lien shall be made effective by filing a notice thereof specifying the charges, the period covered by the charges and giving a legal description of the premises at which the service was rendered. Such lien shall be filed with the same official and within the time and shall be foreclosed within the time and manner prescribed by law for filing and foreclosing liens for labor and material, and shall be superior to encumbrances filed

subsequent to the filing of such lien, but shall be subject to all general taxes and local improvement assessments, whether levied prior or subsequent thereto.

D. The yard material collection service, for which the yard service charge is imposed by subsection (C)(2) of this section, shall include the weekly collection of yard material from automated ninety-six-gallon carts furnished by the city department of public works during the nine-month period for which the yard service charge is billed to any particular premises. For collection purposes, the total weight of each cart including yard material deposited therein may not exceed two hundred pounds. Yard material larger than three inches in diameter or too long to fit within a yard waste cart when covered by its lid shall not be placed in a cart for collection, but may, upon proper request, be collected as special haul material.

E. In addition to the regulations adopted and charges imposed by subsections C and D of this section, further charges are imposed in the following types of service:

1. An extra charge shall be made for each extra cart, bag, box or bundle of tree or shrub trimmings, collected from any particular residential premises.
2. For a special garbage pickup, actual cost shall be charged to the customer. Actual cost shall include the city's actual cost for labor, equipment rental, and landfill fees. The minimum charge for this service shall be twenty-five dollars.
3. A replacement fee respective to the cost of the container shall be applied to the utility account if the refuse containers are damaged, misused or lost.
4. The city will clean any size residential cart. Cleaning is completed off site; therefore, an agreed time will be scheduled for to pick up the carts. Charges for this service are based on an hourly rate and will be arranged at the time of the request and billed to the utility account.
5. Residents will be limited to one free cart exchange per year per household. Each exchange over the one-time exchange will be charged a call-back charge.
6. A call-back charge shall be imposed when a customer fails to have a cart accessible for removal after the first attempt.
7. Request to have refuse collected on private drives not at the curbside will be assessed the carry-out fee.
8. Residential requests for call back or return by solid waste personnel to empty containers which had cars parked too close to a container; not at curbside and in street by six a.m.; had grass, cardboard or any other obstruction preventing the flow of the refuse out of the container; or to pick up additional refuse will be charged a call-back fee. (Ord. 2018-005 § 1, 2018: Ord. 2016-038 § 1, 2016: Ord. 2015-031 § 4, 2015: Ord. 2013-009 § 1 (part), 2013: Ord. 2011-64 § 1, 2011: Ord. 2011-06 § 1, 2011: Ord. 2009-60 § 1, 2009: Ord. 2009-49 § 1, 2009: Ord. 2007-63 § 1, 2007: Ord. 2006-07 § 1, 2006: Ord. 2005-77 § 1, 2005: Ord. 2004-80 § 1, 2004: Ord. 2004-25 § 8, 2004: Ord. 2002-58 § 1, 2002: Ord. 2001-75 § 1, 2001: Ord. 2001-34 §§ 2—4, 2001: Ord. 2000-61 § 1, 2000: Ord. 99-52 § 1, 1999: Ord. 98-71 § 1, 1998: Ord. 97-75 § 1, 1997: Ord. 96-83 § 1, 1996: Ord. 95-61 § 1, 1995: Ord. 94-81 § 1, 1994: Ord. 3507 § 1, 1993: Ord. 3425 § 1, 1991: Ord. 3319 § 1, 1990: Ord. 3228 § 1, 1989: Ord. 3005 §§ 1, 2, 1987: Ord. 2922 § 6, 1985: Ord. 2880 § 4, 1985: Ord. 2868 §§ 1, 2, 1985: Ord. 2658 § 1, 1982: Ord. 2574 § 1, 1981: Ord. 2480 § 1, 1980: Ord. 2272 §§ 2, 3, 1979: Ord. 2144 §§ 1, 2, 1977: Ord. 1876 §§ 1, 2, 1975: Ord. 1589 § 1, 1973: Ord. 1363 §

1, 1971; Ord. 1238 § 1, 1970; Ord. 441, 1963: Ord. 259 (part), 1961: Ord. B-2028, 1957: Ord. B-1876, 1956: Ord. B-1523 § 10, 1953).

Section 4. YMC 4.16.160 is amended to read as follows:

4.16.160 Incineration of refuse—Approval of fire department.

It is unlawful for any person to burn any wastepaper, boxes, rubbish and debris, brush, grass, leaves, weeds and cuttings from trees, lawns, shrubs, and gardens. Burning of said items is only permissible in incinerators approved under fire control and air pollution control regulations and with any required permits. Persons violating this section shall be subject to the penalty outlined in YMC 4.16.240. (Ord. 2013-009 § 1 (part), 2013: Ord. B-1523 § 12, 1953).

Section 5. YMC 4.16.170 is amended to read as follows **4.16.170 Collection of garbage in residential district—Regulations.**

There are established the following rules and regulations pertaining to receptacles, preparation and care of garbage by property owners or persons in control in the residential district:

(a) Only City provided containers will be emptied. Carts shall be placed at curbside by six a.m. to ensure collection service. Containers that are not provided by the City will not be collected.

(b) The owner or person in charge of or in possession of any dwelling, flat, duplex or apartment house in the residential district shall at all times keep or cause to be kept portable sanitary carts for the disposal therein of garbage and refuse and shall deposit or cause to be deposited therein such garbage and refuse.

(c) It shall be the duty of the owner or person in control of any dwelling, flat, duplex or apartment house to furnish to and to see that his tenants are supplied with such sanitary carts as provided in this chapter.

(d) The City of Yakima shall provide, subject to the provisions of municipal code, a thirty two gallon or a ninety six gallon cart. The gross weight of any cart when full shall not exceed 112 pounds for the 32 gallon cart and 300 pounds for the ninety six gallon cart. Carts exceeding the weight indicated shall be tagged and left at the curb.

(e) Subject to certain provisions stated below, garbage or refuse carts shall be kept on the residential property at all times. No carts shall be kept or stored on any public alley, street, or within any public right-of-way. No carts shall interfere with the convenient, sightly and sanitary enjoyment of private property.

(1) A reasonable time before regularly scheduled pickup, unless the refuse collection customer has established carry-out service as specified in subsection (e) (2) below, carts shall be placed at the property line at the alley adjacent to the property, or, for properties not adjoining an alley or adjoining an alley which is not utilized by the refuse division, at the curb of the adjoining street. A reasonable time after pickup, customers shall return carts to their usual position.

(2) Refuse collection customers may establish carry-out service for garbage cans as follows: "Carry-out service" as used herein means collection service for cart any 32 or 96 gallon cart not placed at the property line as specified in subsection (e)(1) of this section. Carry-out service carts shall be located for collection where they are convenient and

accessible within one hundred feet of the alley adjacent to the property, or, for properties not adjoining an alley, within one hundred feet of the adjoining street.

(f) The owner or person in charge of such dwelling, flat, duplex or apartment house shall maintain the place where said garbage carts are located in a clean and sanitary condition, and shall at all times prevent said carts from being upset or spilled by dogs or any sources whatsoever. Such carts shall be so secured as to render them inaccessible to marauding animals.

(g) All bottles, metal scraps, tin cans and glassware may be placed in the same can that is used for prepared garbage. Cold ashes and clinkers may be disposed of in the same can as other garbage, but must be separately wrapped or contained within the can.

(h) It shall be the duty of every person in possession, charge or control of any dead animal, or of any premises on which the same may be located, to cause the same to be removed and disposed of. No person in charge of such premises shall suffer, permit or allow such animal to remain thereon for a period longer than twenty-four hours.

(i) All carts shall be placed for collection on regularly scheduled pickup days in such a position that no employee or collector of the city refuse division shall be required to open any gate or door or obstruction of any kind in order to obtain access to the same; provided, however, that such employee or collector may open the door or gate to an enclosure which is specifically designed and used solely for keeping such containers.

(j) All animal excreta as set out for collection shall be placed in a separate, tight, disposable cart and shall not be commingled with any other garbage or refuse.

(k) In lieu of garbage carts specified in subsection (d) of this section, drop-off bins furnished by the city may be used to serve multiple dwellings and other premises where large amounts of refuse are collected. Such bins shall be located on the private property where they are convenient for collection service, or, when approved by the manager of the refuse division of the department of public works, in the alley adjacent to the private property. The city will furnish such drop-off bins upon request to the city department of public works made by the owner or person in charge of the premises.

(l) For each dwelling, multiple unit dwelling or other premises where automated collection is available, in lieu of the garbage collection carts specified in subsection (c) of this section, the city will provide city-owned thirty-five or ninety-six-gallon carts to be used for refuse collection. Such carts shall be located on the private property where they are convenient for collection service, or, when approved by the manager of the refuse division of the department of public works, in the alley adjacent to the private property.

(m) Lids for all refuse containers defined by subsection (k) of this section shall remain closed at all times except when refuse is being deposited into or emptied from such carts. Such carts shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing matter.

(n) The manager of the refuse division of the department of public works may waive any provision of this section and YMC 4.16.140 when specific circumstances render enforcement of such provision impossible or impracticable. Such waiver may be conditioned on such terms as the manager may determine are appropriate. Such waiver must be stated in writing and shall be limited to its express terms. Any person aggrieved by an action of the manager regarding such a waiver may appeal the action to the director of the department of

public works. Any person aggrieved by the director's action regarding such appeal may appeal to the city council. (Ord. 2013-009 § 1 (part), 2013; Ord. 2004-25 § 9, 2004; Ord. 99-52 § 2, 1999; Ord. 95-61 §§ 2—4, 1995; Ord. 3005 §§ 4—6, 1987; Ord. 2405 § 1, 1980; Ord. 1552 § 1, 1973; Ord. 1238 § 2, 1970; Ord. 259, 1961; Ord. B-1523 § 13, 1953).

Section 6. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 20th day of November, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____