

[PART II TUCSON CODE](#)[Chapter 15 ENVIRONMENTAL SERVICES DEPARTMENT*](#)

Chapter 15

ENVIRONMENTAL SERVICES DEPARTMENT*

* **Editors Note:** Ord. No. 10539, §§ 1--6, adopted June 3, 2008, effective July 1, 2008, amended Ch. 15 in its entirety to read as herein set out. Former Ch. 15, §§ 15-1--15-6, 15-10.1--15-24.7, 15-31, 15-31.1, 15-50, 15-51, pertained to similar subject matter, and derived from Ord. No. 9717, § 2, adopted June 10, 2002; Ord. No. 9816, §§ 11--13, adopted Feb. 24, 2003; Ord. No. 9861, § 5A--F, adopted June 16, 2003; Ord. No. 9982, §§ 1--6, adopted June 14, 2004; Ord. No. 9989, § 1, adopted June 21, 2004; Ord. No. 10099, § 3, adopted Dec. 13, 2004; Ord. No. 10348, §§ 2--4, adopted Nov. 28, 2006.

Charter References: Authority to provide for garbage disposal, [ch. IV, § 1\(6\)](#).

Cross References: Disposal of manure, animal bedding and body waste of domestic animals and pets, § [4-28](#); burning trash and other articles, § [11-5](#) et seq.; depositing offensive matter in water ditches and natural drainage channels, § [11-58](#); department of public works, ch. [11A](#); disposal of trash in parks, § [21-3\(3\)\(2\)](#).

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ARTICLE I. DEFINITIONS

Sec. 15-1. Definitions.

(A) The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where a different meaning is specified:

APC (Automated Plastic Containers) collection service means collection of refuse or recyclable materials in APCs.

Brush bulky service means collection of bulky wastes, not containing garbage, placed in piles at the location designated by the director and in accordance with requirements set by the director.

Bulky waste means large items of solid waste such as ovens, washers, dryers, freezers, water heaters, refrigerators, other household or commercial appliances, furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

City means the City of Tucson.

City fuel price means the price the city pays for equipment fuel and shall be adjusted quarterly to the average fuel price over the prior three (3) months.

Collection agency means the person, company, or governmental agency responsible for collection of solid waste from a residential or commercial establishment.

Collection services means services the city provides to collect any type of solid waste from residential and commercial establishments.

Commercial establishment means any building, lot, or complex that is not a residential establishment.

Commercial fees means fees the city charges for front load and roll off collection service to any type of customer, fees for APC collection service to commercial establishments, and fees for any other collection service provided to commercial establishments.

Commercial hauler means a person who transports solid waste to a disposal facility or who collects, transports, or disposes of solid waste for pecuniary or proprietary gain, benefit, or advantage, or who transports solid waste that was generated by any commercial activity, whether the commercial activity occurred on a commercial or residential establishment.

Container means any receptacle built to hold refuse and to be emptied by solid waste collection equipment.

Customer means any person or business entity that receives or utilizes services or programs offered by the department.

Department means the city's environmental services department.

Director means the director of the city's environmental services department, or the director's authorized designee(s).

Disposal facility means any active landfill, inactive landfill, debris fill, transfer station, temporary drop off site for any solid waste, waste storage site, or waste processing facility.

Disposal services means the operation and remediation of city disposal facilities for public use or benefit. Disposal services include landfilling or other processing of waste materials accepted at city disposal facilities.

Dwelling unit means an independent living space with its own permanent provisions for entrance/exit, living, sleeping, eating, cooking and sanitation.

Environmental services fee means the fee or fees charged for standard residential collection services provided to residential establishments.

Front load collection service means collection of solid waste in metal containers emptied with front loading trucks.

Garbage means all animal and vegetable or food wastes resulting from the processing, handling, preparation, cooking or consumption of food or food materials, or other such matter the accumulation of which may create a

nuisance or be deleterious to public health or offensive to sight or smell.

Green waste means waste derived from plants, including tree limbs and branches, stumps, grass clippings and other waste plant material. Green waste does not include processed lumber, paper, cardboard and other manufactured products that are derived from plant material.

Guesthouse means a single dwelling unit on a lot with a conventional house.

Household hazardous waste means certain types of solid waste acceptable to the household hazardous waste program and facility in accordance with 40 CFR 261.

Lot means a separate parcel as recorded in county records.

Material recovery facility (MRF) means a lawfully zoned and operated site used for the processing and storage of recyclable materials.

Mobile home means a nonmotorized dwelling, transportable in one or more sections, constructed on a permanent chassis with wheels, suitable for year-round residential occupancy and requiring the same method of water supply, waste disposal, and electrical service as a site-built dwelling. This term does not include a recreational vehicle or a trailer with provisions for living.

Mobile home park means five (5) or more mobile homes or active spaces for mobile homes on a lot where each mobile home does not have an individual city water meter.

Multi-family complex means any building or buildings, on abutting lots, that have two (2) or more dwelling units and are commonly owned or commonly managed. This term is intended to apply to a duplex, triplex, fourplex or apartment complex.

Owner means one (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership of property. By way of illustration, and not limitation, the term includes any person who is a mortgagee in possession, a trustee, a trustor, or a general or limited partner in a partnership.

Person includes a corporation, company, partnership, firm, association, society, or other legal entity, as well as a natural person.

Recreational vehicle park means land that is designated "RV" (Land Use Code, § 2.5.7) with "Traveler's Accommodation" as its principal Permitted Land Use.

Recyclable materials means those materials that the director designates to be part of a program that diverts material from disposal facilities for beneficial use.

Refuse means solid waste that contains garbage and is suitable for collection with standard containers and municipal waste collection equipment.

Resident means a person that lives in a dwelling unit and controls the generation and placement of solid waste.

Residential establishment means any building, lot, or complex whose primary use is for one (1) or more dwelling units. This term includes any single family residence, multi-family complex with up to twenty-four (24) dwelling units, mobile home that is not in a mobile home park, or any establishment where the customer has qualified for the environmental services low income program. The term does not include multi-family complexes with twenty-five (25) or more dwelling units, mobile home parks, or recreational vehicle parks. The term does not include complexes of twenty-five (25) or more town homes that have front load collection service.

Residential self-hauler means any person delivering refuse or other solid waste to a city- operated solid waste disposal facility who is not a commercial hauler.

Responsible party means an owner, occupant, tenant, lessor, lessee, resident, manager, licensee, or other person, corporation, company, partnership, association or society residing on, owning or having control over a building, lot or complex, or who possesses, handles, stores or disposes of solid waste.

Retail establishment means a business making sales at retail, other than a food service establishment, that owns or controls more than ten thousand (10,000) square feet of total retail space, and has more than two (2) locations within the city limits where twenty-five (25) percent or more of gross sales include medicines and/or any food, drink, confection or condiment sold in pre-packaged form and/or intended to be prepared off the premises.

Roll off collection service means collection of solid waste in metal containers that are loaded onto a truck and transported to a disposal facility to be emptied.

Salvaging means the removal of solid waste from a disposal facility, collection site, collection container, or collection equipment with the permission of the owner or collection agency and in accordance with requirements set by the owner or collection agency.

Scavenging means the removal of solid waste from a disposal facility, collection site, collection container, or collection equipment without the permission of the owner or collection agency, or not in accordance with requirements set by the owner or collection agency.

Single family residence means: (a) a "single family dwelling, detached" as defined in the city land use code, or (b) a "single family dwelling, detached" plus one guesthouse.

Small business waste acceptance program means the program and related facilities that accept certain types of solid waste from conditionally exempt small quantity generators in accordance with 40 CFR 261.

Solid waste means discarded materials resulting from common activities in a municipal community. This term includes refuse, garbage, recyclable materials, construction debris, demolition debris, green waste, and food waste.

Standard residential collection services means APC collection service once per week for refuse and recyclable materials, and brush bulky service twice per year. The director may designate the volume collected under standard residential collection service.

Town home means a dwelling unit that is designated for separate ownership on property commonly owned solely by the owners of the separate dwelling units. This term does not include separately owned dwelling units that are operated as a multi-family rental complex or apartment complex, however designated. The terms condominium and townhouse have the same meaning.

(B) Words, terms, and phrases used in this chapter and not specifically defined in this section shall have the meaning commonly understood in the solid waste industry.

(Ord. No. 10539, § 1, 6-3-08, eff. 7-1-08; Ord. No. 10642, § 1, 3-24-09, eff. 9-24-09; Ord. No. 10674, § 1, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 1, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 2, 5-17-11, eff. 7-1-11)

ARTICLE II.

ADMINISTRATION

Sec. 15-2. Purpose.

(A) The purpose of this chapter is to preserve the health, safety and welfare of the citizens of the city through the management of solid waste. This purpose shall be achieved through the establishment of minimum standards for the safe and sanitary collection, storage, transportation, beneficial use and disposal of solid waste managed by the city or within the city.

(B) Whenever this chapter conflicts with any other portion of this Code, this chapter shall prevail with respect to any matters relating to solid waste management. The mayor and council for the city hereby determines that the regulations contained in this chapter are necessary and appropriate to protect the health, safety and welfare of the citizens of the city.

(C) Nothing in this chapter is intended or shall be construed to impinge upon or supplant the authority of the Pima County Health Department, Arizona Department of Health Services or other public agency with jurisdiction.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-2.1. Department of environmental services established; director of environmental services as head of department.

The department of environmental services is established. The head of the department shall be the director of environmental services whose appointment, compensation and removal shall be in accordance with sections [2](#), [6](#), and [11](#) of chapter V of the Charter.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-2.2. Functions of the director.

(A) The director shall implement and enforce the provisions of this chapter for the promotion of the public health and safety; to regulate and control the storage, collection, disposal, and salvaging of solid waste within the city; to provide a public disposal site or sites for solid waste originating within the City of Tucson; and to remediate environmental problems resulting from solid waste. The director shall direct the establishment, maintenance and operation of such disposal site or sites. The director is further authorized to provide and/or approve of recyclable material collection sites, so that approved recyclable materials may be safely and expeditiously handled, and to direct the development, construction, maintenance, and operation of such sites. The director shall have the responsibility for environmental assessments of city acquisitions and dispositions of interest in real property.

(B) The director is hereby authorized and directed to make and impose administrative and operational rules, procedures and regulations necessary to the efficient implementation and enforcement of the provisions of this chapter including, but not limited to:

(1) The collection, recycling, disposal, storage, salvaging, hauling and accumulation of solid waste by the city, residents, contractors, or any other person engaged in those activities or processes;

(2) The operation of a transfer station(s), disposal site(s), recycling site(s), transfer site(s), temporary collection site(s), waste collection program(s), recycling or waste reduction program(s) or similar activities or other similar facilities as approved by the mayor and council;


(3) The formulation of administrative policies and procedures regarding the collection of fees and applicable charges;

(4) Such rules, procedures and regulations shall be binding upon and obeyed by all persons affected by this chapter after three (3) copies of any such rules, procedures and regulations shall have been filed in the office of the city clerk as a public record and there kept for use or inspection by any member of the public at any time during the regular office hours of that office. A printed copy of such rules, procedures and regulations shall be

furnished any member of the public upon request.


(C) It is a civil infraction to violate standards established in the rules, procedures and regulations.


(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

 **Sec. 15-3. Suspension or revocation of services.**

In addition to the sanctions provided herein, the city may suspend or revoke any collection, recycling or disposal services and related facilities provided by the city, or by a contractor to the city, whenever it is found that the user of such collection, recycling, or disposal services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules, procedures and regulations promulgated hereunder, or fails to fully pay charges lawfully due the city or reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

 **Sec. 15-4. Reserved.**

 **Sec. 15-5. Public nuisances, enforcement.**


(A) *Civil infraction declared.* Unless otherwise specifically stated in this chapter, a violation of any provision of this chapter shall be deemed a public nuisance and is punishable as a civil infraction pursuant to chapter [8](#) of this Code.

(B) *Authority to enforce.* Any police or peace officer or city code enforcement officer or designated refuse official (herein, citing official) who observes a violation of any provision of this chapter or of any civil infraction in other chapters of this Code relating to the management and maintenance of private property or waste collection within the city is empowered to issue a citation or seek a complaint. This includes, but is not limited to, sections in this Code where notices of violation may be issued by any department. Prior to issuing a citation or seeking a complaint, the officer or official may, in his or her discretion, issue a written notice of violation allowing the alleged violator to remedy the complaint. An officer or official may issue a citation without first issuing a notice of violation.

(C) *Service.* Service of a written notice of violation shall be deemed effective on the date when written notice is hand delivered or on the date when written notice is mailed by first class mail. Any notice served by first class mail shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. If the premises are unoccupied, service may be made by posting the notice in a conspicuous place on the property such as a front door, entrance gate, or wall. Service of a notice of violation to a commercial hauler in violation of the litter fee shall be mailed to the commercial hauler's business address.

(D) *Proceedings.* Any civil infraction proceedings to enforce the provisions of this chapter shall be commenced, and summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes, city ordinance or as provided in the Local Rules of Practice and Procedure - City Court - City of Tucson. If the city is unable to personally serve the complaint, the complaint may be served in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure or by certified or registered mail, return receipt requested.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 2, 5-25-10, eff. 7-1-10)

 **Sec. 15-6. Parties liable.**

Any resident or responsible party is jointly and individually liable for complying with the provisions of this

chapter and for any violations thereof which may occur on or about or issue from the property upon which the solid waste, refuse, garbage, debris or recyclable material is kept, accumulated, stored, salvaged or disposed from. Multiple residents sharing a refuse container or containers shall be jointly and individually strictly liable for complying with all the provisions of this chapter with regard to the placement and use of refuse containers.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-7. Administrative appeal process.

(A) Customers objecting to the actions, policies, or decisions of the department may informally appeal by contacting the billing office supervisor or administrator. If the problem is not resolved, the customer may request a formal administrative hearing as described in subsection (B) below by completing the request form established by the director.

(B) The director shall appoint a hearing officer to resolve customer disputes on billing or other issues. For any particular dispute, the hearing officer shall have had no previous involvement with the customer's case. In the event that such involvement exists, the director shall designate another hearing officer. This hearing officer shall be authorized to make a decision as to the validity of the customer's dispute, and, if the customer's dispute is found to be valid, make the appropriate corrections to the customer's account, including the potential removal of delinquent service charges. If the hearing officer requires a more complete set of facts than can be gathered at the time of the hearing, the officer shall make whatever investigation is necessary before rendering a decision. The hearing officer's determination is final.

(C) The customer's service(s) shall not be terminated until and unless the hearing officer completes the investigation and finds the customer's dispute to be without merit. However, as to any matters not in dispute, the hearing process does not relieve the customer of the obligation to pay bills for services rendered. The customer must continue to pay, in a timely manner, all bills received or be subject to delinquent service charges when applicable.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Secs. 15-8, 15-9. Reserved.

ARTICLE III. COMMUNITY STANDARDS FOR SOLID WASTE STORAGE AND REMOVAL

Sec. 15-10. General applicability.

Unless otherwise specifically stated in this section, the standards set forth in this article apply to any person, business or other entity that generates, stores, transports, or processes solid waste.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.1. Standards for storage and removal of solid waste.

(A) Any person, business or other entity that generates refuse or recyclable materials must place the waste materials into the container(s) designated for the property where the waste is generated.

(B) Containers shall be rigid, durable, corrosion resistant, nonabsorbent, watertight, rodent-proof, easily cleanable, suitable for handling, and equipped with a tight fitting cover that prevents material from overflowing, spilling, or scattering onto surrounding premises. All containers and their enclosures shall be maintained in a

sanitary and fire-preventive condition.

(C) Each residential or commercial establishment that generates waste must have sufficient capacity in a sufficient number of containers to contain all waste with the lid closed. Except in the case of bulky material collection, storage of solid waste outside a container at the point of collection is prohibited.

(D) Each residential or commercial establishment where the volume of solid waste generated cannot be conveniently contained in APC containers with capacity of three hundred (300) gallons or less shall obtain collection service in metal containers.

(E) Each dwelling unit must have a minimum of forty-five (45) gallons of refuse container capacity available for use during the period between scheduled collection services. The director may waive capacity standards on a case-by-case basis.

(F) Garbage must be placed in plastic bags that are tightly closed.

(G) The director or designee may enter any property where waste is generated to inspect containers or stored solid waste for compliance with the requirements of this code.


(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 2, 6-2-09, eff. 7-1-09)

 **Sec. 15-10.2. Prohibited materials.**

(A) Prohibited materials may not be placed in refuse or recycling containers, in bulky material piles, in collection equipment, or in disposal facilities. Prohibited material is any waste which because of its amount, size, concentration, physical, chemical or infectious characteristics may pose a threat to human health or the environment as determined by the director.

(B) Prohibited materials include but are not limited to materials prohibited by state or federal law and materials that the director designates in administrative rule.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

 **Sec. 15-10.3. Scavenging prohibited.**

No person shall scavenge or otherwise disturb solid waste placed out for collection by a collection agency. Once placed out for collection solid waste becomes the property of the collection agency.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

 **Sec. 15-10.4. Hauling of solid waste.**


It is a civil infraction for any person to haul or cause to be hauled on or along any public street or alley any refuse unless it shall be contained in vehicles or receptacles so constructed and maintained to prevent the contents from falling, leaking, spilling or being otherwise lost or ejected from such vehicle or receptacle, and to prevent flies, insects or rodents from having access to contents. Each such vehicle or receptacle shall have securely fastened thereto a cover, which may be a tarpaulin, netting or similar material, of sufficient density and strength as to prevent ejection or loss of any refuse from the vehicle or receptacle. Every person hauling any refuse on or along any street or alley shall replace immediately in the conveyance used for such hauling any of the contents which fall into or upon any street, alley or public or private property.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

 **Sec. 15-10.5. Commercial recycling facilities.**

Property used as a multi-material recycling center, sorting facility, composting facility, materials recovery facility, and the like is exempt from the prohibitions of Tucson Code chapter [16](#) pertaining to uncontained refuse, debris, recyclable materials or vegetation as long as the materials are kept within the property barriers or fences on the property and the property and business operations are properly zoned and permitted by the city, county or state and in compliance with Tucson Code section [16-13](#). Refuse, debris, recyclable materials or vegetation are only exempt under this section if they are properly contained or stored for use as a commodity, are not waste materials produced by the enterprise for landfill disposal, are maintained in accordance with applicable sections of Tucson Code chapter [16](#) (as for composting), and are so maintained as to prevent any fire, health or safety hazard to the occupants of the property or to neighboring inhabitants, structures, or property.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

 **Secs. 15-11--15-15. Reserved.**

ARTICLE IV. CITY RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES

 **Sec. 15-16. Collection from residential establishments by persons or entities other than the city prohibited.**

The collection of refuse or recyclable materials from any residential establishment by any person, business, corporation or firm other than the city is prohibited.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

 **Sec. 15-16.1. City collection services at residential establishments.**

(A) Residential establishments are eligible to receive standard residential collection services in accordance with the requirements of this chapter.

(B) Residential establishments shall use only the containers issued by the city for refuse and recycling collection, unless otherwise authorized by the director, and shall not remove them from the intended establishment. Any customer who removes a container or uses a container removed from a different establishment shall be charged the account reconciliation fee.

(C) The director shall determine the point of collection, the method of collection, the volume, the frequency of service, and the number of containers issued to each residential establishment.

(D) The point of collection shall be immediately adjacent to or in a public right-of-way wherever feasible, as determined by the director. A customer may request the point of collection be moved from the location determined by the director to where collection vehicles must enter private property. Where the director approves a request, a permission agreement is required and the customer is charged the private driveway fee in addition to other fees, unless waived.

(E) The director may issue additional containers, and charge commensurate fees, to residential establishments that consistently demonstrate inadequate refuse container capacity to maintain sanitary conditions.

(F) Any residential establishment with an assisted living home license shall have a minimum of one hundred eighty (180) gallons of weekly-serviced refuse container capacity unless the director determines that less capacity is adequate to maintain sanitary conditions.

(G) Shared front load service with a fee charged to individual dwelling units shall be provided only upon the director's determination that it is the most feasible method due to site and/or ownership conditions.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11)

Sec. 15-16.2. Customer responsibilities regarding recycling collection service.

Customers at residential and commercial establishments shall place in city recycling containers only those recyclable materials designated as acceptable by the director in this chapter and in administrative rules. Customers shall handle specific types of recyclable materials in accordance with this chapter and administrative rules.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-16.3. Parameters for brush bulky collection service.

(A) Residential establishments will be provided brush bulky collection service two (2) times each calendar year according to a schedule established by the director. Up to ten (10) cubic yards of material requiring no more than fifteen (15) minutes of collection effort will be collected from each residential establishment at each scheduled service as part of standard residential collection services.

(B) Commercial establishments primarily used for dwelling units will be provided brush bulky service as part of standard commercial APC collection service.

(C) Commercial establishments may obtain, with director approval, collection service for bulky waste for the same fees as for special residential brush bulky service as designated in this chapter.

(D) Vacant lots are not eligible to receive brush bulky service.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09)

Sec. 15-16.4. Assisted collection service to residential establishments.

A resident who has a qualified disability, under the Americans with Disabilities Act, that prevents him/her using normal refuse or recycling collection services at a residential establishment may request assisted collection service. The requirements for assisted collection service shall be established in administrative rule. Assisted collection service is provided without additional fee.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 3, 5-25-10, eff. 7-1-10)

Sec. 15-16.5. Temporary suspension of service.

(A) The director may temporarily suspend residential services and commensurate fees at a residential establishment when the customer requests it and it is feasible. The suspension may last up to eight (8) months, after which time the fees will resume and service will resume when the customer requests it. The department will pick up all containers when the suspension is requested. APC removal and delivery fee shall be charged when the department picks up containers for a temporary suspension.

(B) A customer that attempts to use any residential services during the suspension period will be back billed for entire suspension period and will be charged the account reconciliation fee.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11)

Sec. 15-16.6. Neighborhood cleanup service.

Neighborhood associations and neighborhood enhancement programs designated by mayor and council may, with advance approval from the director, obtain temporary roll off collection service or disposal services for neighborhood cleanups for no additional fee, subject to limitations established in administrative rule.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09)

Sec. 15-16.7. City collection service at commercial establishments.

Each commercial establishment shall arrange for an adequate level of collection service from the city, or shall demonstrate other adequate management of refuse, as determined by the director.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-16.8. Violations of city collection service requirements.

(A) The director may issue notices to responsible parties at residential or commercial establishments when the director identifies violations of the requirements contained in this chapter or in an administrative rule or regulation under this chapter.

(B) If three (3) or more notices for the same or related violation are issued in any twelve (12) month period, then beginning with the third notice, the director shall impose the following fees for processing the violation notices the director issues:

- (1) Third notice \$10.00
- (2) Fourth or subsequent notice 25.00

(C) A responsible party that has been issued three (3) notices for a recycling container contaminated with unacceptable material shall be designated a nonparticipant and charged a ten dollar (\$10.00) fee. The director will remove the recycling container, deliver a substitute refuse container, and impose the fee for an additional refuse container. Recycling service will be restored and the additional refuse container removed with director approval.

(D) It is a civil infraction for a customer at a residential establishment to fail to pay fees for city residential services and thereby causing a violation of any of the requirements of section [15-10.1](#). The fine for this infraction shall be three hundred dollars (\$300.00).

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11)

Secs. 15-17--15-30. Reserved.

ARTICLE V. CITY FEES AND CHARGES FOR RESIDENTIAL COLLECTION, COMMERCIAL COLLECTION, AND DISPOSAL SERVICES

DIVISION 1. GENERAL PROVISIONS

Sec. 15-31. Declaration of purpose; intent of mayor and council.

This article is enacted for the purpose of equitably securing funds with which to pay the expenses arising from collection and disposal services the city provides to residential and commercial establishments. It is the intent of the mayor and council that the provisions of this article shall be construed and interpreted, where necessary, to achieve such purpose.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

 **Sec. 15-31.1. Deposits and refunds.**

The director may require receipt of a deposit prior to beginning service. When the account is terminated the adjusted value of the deposit shall be computed by adding interest actually accrued on the deposit, with the interest rate set at the average market rate earned by the City of Tucson's Investment Pool during the past twelve (12) months. The adjusted value of the deposit will be applied against any unpaid balance, and the remainder will be refunded to the customer.

(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 4, 5-17-11, eff. 7-1-11)

 **Sec. 15-31.2. Returned checks.**

The city may impose a reasonable charge to handle the processing of checks received as payment for fees from this chapter, when such checks are returned for nonpayment for any reason.

(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09)

 **Sec. 15-31.3. Billing account activation.**

An account activation fee shall be charged when a billing account is initiated for each residential, commercial, or disposal customer at each service location.

(Ord. No. 10895, § 4, 5-17-11, eff. 7-1-11)


DIVISION 2. RESIDENTIAL COLLECTION

 **Sec. 15-32. Basis for residential fees.**

(A) Fees for APC collection, brush bulky collection, and special collection services to residential establishments are based on the number of dwelling units using the containers, and the volume and frequency of service. A single family residence shall be counted as one dwelling unit. Fees for front load or roll off services to residential establishments are based on the type, volume, and frequency of service, and shall be the same as commercial fees for these services.

(B) Individual fee for shared front load service. The fee for shared front load service may be charged to customers at individual dwelling units when 1) a complex has no common owner or manager to be billed for front load service, and 2) front load collection service is the only feasible method of refuse and recycling service for the complex.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09)

 **Sec. 15-32.1. Responsibility for residential fee.**

(A) The fees specified in this chapter for services provided to residential establishments are imposed on the customer of record of each residential establishment, as indicated in the department's records. The customer

of record is responsible for paying all charges for the provision of services to a residential establishment, regardless of whether the customer of record or another person has actually used the services. Where the establishment receives city water service, the customer of record for services from this chapter shall be the same person as the customer of record for city water services, unless the director accepts an alternate person designated by the owner.

(B) The director may elect to pursue collection of any outstanding charges from the owner of the property if the customer of record does not pay for any outstanding charges. In such a case, ownership of the property or premises shall be determined by reference to public records maintained by the Pima County Recorder's Office.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10)

Sec. 15-32.2. Requirements for payment of residential fees.

(A) *Initiation.* Initiation of billing for services to a residential establishment shall coincide with initiation of billing for city water service when both are provided. The charges for residential services for an account that does not have city water charges shall begin when the customer occupies the establishment or begins using the services, whichever is earlier. The charges for residential services to a newly-constructed establishment shall begin when the containers are delivered. The director, as a condition precedent to providing collection services to any customer, shall collect any amounts the customer owes the city for charges required by this chapter or chapter [27](#). The account activation fee shall be charged when billing is initiated.

(B) *Deposit for accounts without city water service.* A customer whose account does not have city water charges shall pay the residential account deposit when the account is established, unless waived by the director. The director may require a customer with a history of delinquency to pay a deposit up to the amount of the past unpaid account balance as a condition of providing service. When the account is terminated, the deposit may be refunded in accordance with section [15-31.1](#).

(C) *Termination.* Termination of billing for the fees herein shall coincide with termination of billing for city water service when both are provided. The charges for residential services for an account that does not have city water charges shall end when the services are stopped due to the customer notifying the department or due to delinquency.

(D) *Change of address.* Customers shall notify the department of any change in mailing address, and/or change in ownership/responsible party within fifteen (15) days of the date of change.

(E) *Payment terms.* Payment terms for residential fees under this chapter shall match the payment terms in chapter [27](#) for city water service fees. For purposes of this section, "payment terms" means when and where bills are due, the account balance triggering delinquency notices, the timing of delinquency notices, the termination of accounts for delinquency, and directly related terms.

(F) *Discontinuing service for nonpayment.* If the delinquent balance of a customer's account is not paid within the time frame designated in chapter [27](#) for turn-off of water services, regardless of whether water charges are included in the account, the director may discontinue services by not collecting material and/or removing containers.

(G) *Container delivery fees.* The APC delivery fee shall be charged when the number of containers at an establishment is increased, and when a customer requests a change in container size (first two (2) per customer at establishment are exempted). The APC removal/delivery fee shall be charged when the department delivers containers at the initiation of an account that does not have city water charges, and when the department picks up containers from a customer who has requested a temporary suspension of residential services.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-

10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

Sec. 15-32.3. Fees for level of service.

The fees to be charged for standard residential collection services are listed in the table in section [15-32.5](#). The director is authorized to charge additional fees as listed in the table in section [15-32.5](#), or elsewhere in this chapter, to residential establishments that receive additional or different service.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10)

Sec. 15-32.4. Environmental services low income assistance program.

(A) Residential customers with an income at or below one hundred percent (100%) of the U.S. Department of Labor western region lower living standard, adjusted for family size, shall be eligible for the environmental services low income assistance credit from the environmental services fund if they meet the requirements herein.

(B) Customers must reside in a residential establishment that receives APC collection service, or shared metal service, and must directly pay the environmental services fee on their city utility bill. Each customer may receive the credit for services to only one dwelling unit.

(C) Customers must apply for the discount in writing on the application forms approved by the director. Applications must include written proof of income in the form determined by the director. Applications must be complete and must have the customer's original signature. The director may contact the customer to verify or obtain additional information needed to process the application.

(D) Eligibility will be determined on an annual basis with the credit expiring at the end of each twelve (12) month period. At least thirty (30) days prior to the expiration of a customer's credit, the director will notify the customer in writing of the need to submit a new application to continue the credit.

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the environmental services fee. A prorated credit shall be applied whenever the customer is eligible for only part of a month or receives service for only part of a month.

(F) Customers may appeal determinations of eligibility or timing of credit by following the administrative dispute process in this chapter.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

Sec. 15-32.5. Residential fee schedules.

The fees for collection services to residential establishments shall be as follows:

RESIDENTIAL COLLECTION SERVICE FEES

Service	Refuse Container size (gallons)	Fees
Standard	48	\$15.00 per month
Standard	65	\$16.00 per month
Standard	95	\$16.75 per month
Standard	Any shared alley APC	\$16.00 per month per dwelling unit
Standard	300 sole use	\$48.00 per month per container

Individual fee for shared front load weekly refuse and recycling service	Any	\$16.00 per month per dwelling unit
Additional refuse	Less than 100	\$11.00 per month per additional container
Additional bag of refuse	Each 30 gallon bag (or equivalent) of refuse placed outside of container	\$5.00 each
Additional service per week	Any	\$25.00 per pickup per container
Additional brush bulky service volume	Above 10 cubic yards	\$5.00 per cubic yard
Additional brush bulky service time	Above 15 minutes	\$25.00 per each 15 minute interval
Special brush bulky service	Up to 10 cubic yards	\$55.00 per event plus any applicable additional service fees
Private driveway	Any	\$10.00 per month in addition to other applicable fees
Low income assistance credit	Any	\$12.00 per month
APC delivery fee	Any	\$20.00
APC removal/delivery fee	Any	\$40.00
Residential account activation fee	Any	\$5.00
Residential account deposit	Any	\$65.00
Account reconciliation fee	Any	\$50.00

The following requirements apply to residential APC services:

(1) The additional refuse container fee is imposed for each refuse container of one hundred (100) gallons or less in addition to the first container of one hundred (100) gallons or less per dwelling unit, or in addition to shared three hundred (300) gallon service.

(2) A "sole use" three hundred-gallon container is dedicated for the exclusive use of one residential establishment. A sole use three hundred-gallon container is only permitted on private property where it is not available to residents of other establishments.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

 **Sec. 15-32.6. APC collection fuel surcharge.**

A fuel surcharge shall be added to the monthly fees for collection services to residential or commercial establishments with APC services. The surcharge shall be three cents (\$0.03) per month for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.

(Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

DIVISION 3.

COMMERCIAL COLLECTION

Sec. 15-33. Basis for commercial fees.

Fees for any commercial collection service are based on the type, volume, and frequency of service.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-33.1. Commercial fee requirements.

(A) Commercial fees are subject to the requirements of this section and of administrative rules and regulations under this chapter.

(B) **Service agreements.** Commercial establishments must obtain city collection services by entering into a service agreement with the city. The person responsible for paying fees at any establishment must sign the service agreement. The director is authorized to prepare, enter into, implement, and administer service agreements. The service agreement shall specify the terms and conditions upon which service shall be provided and payment shall be remitted. The service agreement shall include the commercial fees established pursuant to this chapter. The service agreement may contain such additional provisions as are within the custom and practice of the industry, or are deemed necessary by the director.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-33.2. Commercial fee schedules.

(A) *Front load collection service fees.* The monthly fees for front load collection service (without compaction) are as follows:

FRONT LOAD COLLECTION SERVICE MONTHLY FEES

Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$87.00	\$145.00	\$203.00	\$261.00	\$319.00	\$377.00
4 cu. yds.	\$92.00	\$154.00	\$217.00	\$279.00	\$341.00	\$406.00
6 cu. yds.	\$101.00	\$173.00	\$245.00	\$317.00	\$390.00	\$461.00
8 cu. yds.	\$110.00	\$192.00	\$273.00	\$355.00	\$436.00	\$518.00
Recycling	\$50.00	\$75.00	\$100.00			

Container delivery: \$50.00 for any number per request

Additional recycling container onsite any size: \$15.00

Additional service per week: \$30.00 per pickup per 2 to 4 cubic yard container, \$35.00 per 6 cubic yard, \$40.00 per 8 cubic yard

Additional recycle service per week: \$30.00 per pickup all sizes

Container cleaning at customer request: \$100.00 per event per container

Container painting at customer request: \$150.00 per event per container

(B) *Compacted front load collection service fees.* The monthly fees for front load collection service with compaction in containers shall be as follows:

COMPACTED FRONT LOAD COLLECTION SERVICE MONTHLY FEES

Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$129.00	\$230.00	\$330.00	\$430.00	\$530.00	\$632.00
4 cu. yds.	\$148.00	\$267.00	\$386.00	\$506.00	\$624.00	\$744.00
6 cu. yds.	\$186.00	\$342.00	\$499.00	\$655.00	\$812.00	\$969.00
8 cu. yds.	\$223.00	\$417.00	\$611.00	\$805.00	\$1,000.00	\$1,194.00

Additional fee for leasing city compactor: \$300.00 per month per compactor

Container delivery: \$50.00 for any number per request

Additional service per week: \$45.00 per pickup per container

Container cleaning at customer request: \$100.00 per event per container

Container painting at customer request: \$150.00 per event per container

(C) *Roll off collection service.* The fees for roll off collection service are as follows:

ROLL OFF COLLECTION SERVICE FEES

Refuse open top service 20, 30, 40 cu. yds.	\$165.00 per pull plus landfill disposal fees plus landfill processing surcharge
Recycle open top service 20, 30, 40 cu. yds.	\$130.00 per pull
Roll off compactor service 20, 30, 40 cu. yds.	\$165.00 per pull plus landfill disposal fees plus landfill processing surcharge. Installation, removal, and monthly lease fees also apply for city compactors.
Landfill disposal fees	Weight of contents times current solid waste disposal fee
Landfill processing surcharge	\$10.00 per landfill transaction
Initial delivery	\$80.00 per container
Relocation	\$80.00 per container
Failed service attempt	\$80.00 per event per container
Container cleaning at customer request	\$150.00 per event per container
Container painting at customer request	\$200.00 per event per container
Lease of city compactor and receiver box	\$310.00 per month per compactor plus box
Lease of city compactor receiver box only	\$100.00 per month per box
Base compactor installation	\$950.00 per compactor
Base compactor removal	\$500.00 per compactor

The following requirements apply to roll off services:

(1) Scheduled/permanent roll off container service agreements are required when a customer has a roll off at the same location for ninety (90) days or more. At a minimum one roll off pull fee will be charged every thirty (30) days for permanent service.

(2) Unscheduled/temporary roll off container service agreements are required when a customer has a roll off at the same location for less than ninety (90) days. Customers must contact the department when the container needs to be emptied. At a minimum one roll off pull fee will be charged every fifteen (15) days for unscheduled/temporary service.

(3) For purposes of this section, the terms are defined as follows:

(a) *"Pull"* means emptying a roll off container and returning it to the site if needed.

(b) *"Initial delivery"* means the first time each container is delivered to a site.

(c) *"Relocation"* means moving a container on the same site without emptying it.

(d) *"Failed service attempt"* means a truck arrived at a container site but a problem caused by the customer prevented service (also called a "dry run").

(e) *"Base installation"* means the installation of guides, power unit, and power hook-up only. Customer request requiring additional materials and modifications will be charged at direct cost for labor and materials. Removal applies to disconnecting and removing city equipment whenever needed.

(D) *Commercial APC collection service fees.* The fees for APC collection service to commercial establishments are as follows:

COMMERCIAL APC COLLECTION SERVICE FEES

Service	Container size (gallons)	Fees
Standard	48	\$18.50 per month per container
Standard	65	\$19.50 per month per container
Standard	95	\$20.50 per month per container
Standard	300	\$61.50 per month per container
Additional service per week	Any	\$25.00 per pickup per container
Additional recycle beyond second container	100 or less	\$10.00 per month per container
Container delivery	Any	\$20.00 for any number per request

The following requirements apply to commercial APC services:

(1) "Standard" means standard commercial APC service consisting of refuse collection once per week (in the selected size) and recycling collection in ninety-five (95) gallon container once per week.

(2) Each commercial establishment may receive up to two (2) ninety-five (95) gallon recycling containers (or the equivalent recycling volume in three hundred (300) gallon recycling containers) for each APC or front load refuse container.

(E) *Fees for commercial special services.* The fees for special services to commercial establishments are as follows:

COMMERCIAL SPECIAL SERVICE FEES

Service	Container size	Fees
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Temporary APC refuse	48, 65 or 95 gallons	\$50.00 per service per container
Temporary APC refuse	300 gallons	\$75.00 per service per container
Temporary front load refuse	2 – 8 cubic yards	\$100.00 per container for delivery/removal plus \$30.00 per pickup per 2 to 4 cubic yard container, \$35.00 per 6 cubic yard, \$40.00 per 8 cubic yard
Temporary APC recycle	95 gallons	\$20.00 per delivery truck load for delivery/removal plus \$10.00 per pickup
Temporary use of small recycling containers for customers with city refuse	Less than 95 gallons	\$20.00 per delivery truck load for delivery/removal
Temporary front load recycle	2 – 8 cubic yards	\$100.00 per container for delivery/removal and one pickup, plus \$30.00 per additional pickup.
Delinquent retrieval fee	2 – 8 cubic yards	\$50.00 per container
Bulky material service		Same fees as charged for special brush bulky service to residential establishments.


(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 5, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11)

 **Sec. 15-33.3. Commercial fuel surcharge.**

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be 0.20 percent (0.002) for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The fuel surcharge shall be the applicable surcharge rate multiplied by the applicable fee, then rounded to the nearest cent (\$0.01). The surcharge shall be revised every three (3) months based upon the updated city fuel price.


(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 6, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11)

DIVISION 4. DISPOSAL SERVICES

 **Sec. 15-34. Basis for disposal services fees.**

Fees for disposal services are based on the type of waste, the amount of waste, the type of customer, and the type of service.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

 **Sec. 15-34.1. Disposal services fee requirements.**

Disposal services fees are subject to the requirements of this section and of administrative rules and regulations under this chapter. The disposal fees collected shall be used for the construction, operation, remediation, closure,

and post closure maintenance of city disposal facilities.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.2. Residential self-haulers.

(A) The fee for each load carried in a residential self-haulers vehicle, trailer, or vehicle and trailer combined, and weighing two thousand (2,000) pounds or less shall be the residential self-haul waste disposal fee. For each load weighing more than two thousand (2,000) pounds, the fee shall be an amount equal to the applicable commercial waste disposal fee applied to the weight of the load, prorated and rounded to the nearest dollar. Residential self-haulers shall also be subject to the special handling fee set forth in this chapter, and shall be subject to the unrestrained or uncovered load fee set forth in this chapter in addition to any other fees charged. A deposit may be required upon entry for residential self-haul vehicle loads that, in the judgment of ES staff, may exceed one ton (two thousand (2,000) pounds) in accordance with guidelines established by the director. All fees from residential self-haulers shall be due in cash, or in other form of payment as established by the director, at the time the load is accepted. Loads over one ton may be paid by check at the time the load is accepted.

(B) Recyclable materials and household hazardous waste, as determined by the director, are exempt from disposal fees.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

Sec. 15-34.3. Commercial haulers.

(A) Calculation of disposal fee. The per vehicle fee for disposal shall be the greater of the minimum fee or an amount equal to the applicable disposal fee in section [15-34.7](#) applied to the weight of the load, or the number of items in the load, as appropriate, prorated and rounded to the nearest dollar. Where the term "minimum fee" is used in this section, it shall mean fifteen dollars (\$15.00) or another minimum designated for the applicable fee in section [15-34.7](#).

(B) Special-handling waste disposal. Special handling fees shall be assessed for the use of personnel, equipment or materials in a manner other than what would ordinarily be required in normal daily landfill operations. For waste that requires review or inspection to determine acceptability for disposal, the review fee shall be fifty dollars (\$50.00) per load.

(C) Each commercial hauler shall pay any charge for disposal services at the time and as a condition of receiving the disposal services for which the charge is imposed. Only payments in the form of cash, check or other immediate payment form approved by the director will be accepted subject to reasonable identification requirements, unless the hauler has a valid landfill charge account in good standing. A commercial hauler may purchase a vehicle identification tag for use at the scale.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 7, 5-25-10, eff. 7-1-10)

Sec. 15-34.4. Unrestrained or uncovered load fee.

In addition to all other charges set forth above, a five dollar (\$5.00) per load fee shall be imposed for any solid waste that, as determined by the director, is not contained within an enclosed vehicle or is not covered and secured.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.5. Waiver of fee for landfill construction materials.

The director may accept for no fee materials suitable for construction or operational purposes where and when the department's cost to acquire needed materials exceeds the waived fee.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

Sec. 15-34.6. Credit system.

Customers who wish to pay for disposal services pursuant to a credit system shall execute and comply with a written credit agreement prepared by the city and pay an annual credit fee. The director is authorized to prepare, enter into, implement and administer landfill credit agreements. The landfill credit agreement shall specify the terms and conditions upon which landfill use shall be provided and for payment of fees, and may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director in any particular case(s). The rates charged under any landfill credit agreement shall be consistent with these requirements and schedules.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10)

Sec. 15-34.7. Disposal services fee schedule.

DISPOSAL SERVICES FEES

Service	Fees
Residential self-hauler waste disposal	\$15.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	\$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	\$32.00 per ton with \$15.00 minimum per load
Special-handling waste disposal	\$75.00 per ton with \$75.00 minimum
Tire disposal	\$150.00 per ton with \$15.00 minimum, no mixed loads, no off-road tires
Disposal of appliance designed to use refrigerant	\$5.00 per appliance in addition to other applicable fees
Uncovered load	\$5.00 per load in addition to other applicable fees
Credit account annual fee	\$30.00
Disposal account activation fee	\$15.00
Identification tag fee	\$35.00
Household hazardous waste disposal for non-city residents	\$5.00 per load
Purchase of recycled paint	\$15.00 per gallon for white \$10.00 per gallon for non-white
Disposal of materials under small business waste acceptance program	Published schedule of fees based on most recent disposal costs

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

Sec. 15-34.8. Disposal services contract fee schedule.

The director shall be authorized to enter into one (1) year contracts for guaranteed waste disposal by customers. These contracts shall be for a specific quantity of waste at a fee specified in the contract disposal services fee schedule. The fee shall be calculated in accordance with section [15-34.3](#). The customer is required to pay the full amount due to the city at the specified fee, whether or not the waste is delivered. The contract may be renewed annually if the specified fee is not changed. The agreements may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director.

Where a disposal services contract is in place, the commercial waste disposal fee shall not apply.

CONTRACT DISPOSAL FEE SCHEDULE

Guaranteed Tonnage	Rate Per Ton
60,000	\$21.00
18,000	\$24.00
8,000	\$27.50
2,000	\$30.00
1,000	\$31.00

(Ord. No. 10654, § 1, 4-21-09, eff. 5-1-09; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10)

Sec. 15-34.9. Disposal services fuel surcharge.

A fuel surcharge shall be added to the per-ton fees for disposal services. The surcharge shall be five cents (\$0.05) per ton for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.

(Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

Sec. 15-35. Exemption of fees for waste residue from nonprofit recycling establishments.

(A) Any nonprofit recycling establishment may apply to the director for an exemption from payment of fees for city collection or disposal services for residual solid waste resulting directly from the establishment's recycling activities. The exemption for each establishment, regardless of the number of locations, shall be limited to ten thousand dollars (\$10,000.00) per calendar year.

(B) To qualify as a nonprofit recycling establishment, an organization shall:

(1) Hold tax-exempt status under 206 U.S.C. Sec. 501(c)3:

(2) Engage in active and continual operation of a program of acceptance or collection of goods and materials, that would otherwise be discarded as solid waste, for recycling, whether through resale or other redistribution by the organization, which program results in accumulations of non-reusable goods or materials that must be disposed of at city disposal facilities;

(3) Does not have and will not enter into a recycling franchise agreement or similar arrangement with any non-profit or for-profit organization, the beneficiaries of which are other than the organization applying for exemption;

(4) Does not dispose of residual solid waste resulting from goods or materials imported from outside Pima County;

(5) Does not support religious activities with the recycling activities; and

(6) Clearly separate residual solid waste from solid waste generated by a process other than the establishment's recycling activities.

(C) To obtain the exemption, an organization shall submit an application, established by the director, to demonstrate and certify compliance with these requirements. Upon determination by the director that an organization meets the requirements, the director shall issue a certificate of exemption from fees for collection and disposal services. The director may require annual renewal applications and additional evidence of compliance with requirements.

(D) The director may at any time give notice in writing to an organization of intent to revoke its exemption for cause, which shall consist of failure to adhere to or fulfill the requirements of this section. The organization can appeal the revocation in writing to the director within ten (10) days, and be granted an administrative hearing. The director shall render a decision in writing. The decision of the director is final.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

DIVISION 5. GROUNDWATER PROTECTION FEE

Sec. 15-36. Groundwater protection.

(A) The director shall charge a groundwater protection fee to customers of the city potable water, excluding those customers not connected to the central system.

(B) The fee shall be shown as a separate charge on the utility bill. The fee shall be charged for each connected meter, and shall be based upon the meter equivalency factors as determined by the superintendent of water or his or her successor.

(C) The fee shall be collected to administer, design, construct, operate and maintain groundwater remediation and landfill monitoring/compliance systems for the department.

The groundwater protection fee shall be assigned as follows.


GROUNDWATER PROTECTION FEE	
Meter Size (inches)	Fee per Month per Meter
5/8	\$1.06
3/4	\$1.59
1	\$2.65
1-1/2 and larger	\$5.30

(Ord. No. 10796, § 9, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 8, 5-17-11, eff. 7-1-11)

Secs. 15-37--15-49. Reserved.

ARTICLE VI. DISPOSAL FACILITY MANAGEMENT – RESERVED*

***Editor's note** – Ord. No. 10796, § 10, adopted May 25, 2010, effective July 1, 2010, repealed this article and § 15-50, which pertained to disposal facility management and prohibiting disposal at city facilities of solid waste collected, received or transported from outside Pima County, derived from Ord. No. 10539, § 6C., adopted June 3, 2008, effective July 1, 2008.

 **Secs. 15-50--15-59. Reserved.**


ARTICLE VII. PLASTIC BAG RECYCLING

 **Sec. 15-60. Plastic bag recycling.**

Retail establishments that provide plastic carry-out bags for their customers shall:

- (1) Provide a bin for the collection of plastic carryout bags and other film plastic in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling.
- (2) Recycle returned plastic bags.
- (3) Provide reusable carryout bags for purchase at retail locations.
- (4) Incorporate a "reduce, reuse, and recycle" message on all carry-out plastic bags distributed as part of the retail business.
- (5) Display informational material on the establishment's plastic bag recycling program to educate customers. This information shall incorporate messages on the environmental benefits of recycling plastic bags or using reusable bags including greenhouse gas reduction, energy savings and litter reduction.
- (6) Report to the director on a semiannual basis the total amount of carryout plastic bags and other film plastic by weight that is recycled.

(Ord. No. 10642, § 2, 3-24-09, eff. 9-24-09)

 **Secs. 15-61 – 15-69. Reserved.**

ARTICLE VIII. LITTER FEE

 **Sec. 15-70. Refuse collection permit.**

The city manager or his or her designee shall administer and enforce a permit program for all commercial haulers. For the purpose of this article, commercial haulers are defined as those commercial haulers who operate front load, rear load, side load and roll-off collection vehicles. The permit fee shall not apply to commercial haulers with three (3) or fewer collection vehicles as described above. Proceeds from the permits shall be used to administer, enforce and collect litter in the city. Permits for collection of refuse from business or residential establishments within the city shall be issued by the city under the following conditions:

- (A) The commercial hauler must submit an application, on a form provided by the city, to the city. This

permit shall include the requirement of an annual per-vehicle license fee of one thousand dollars (\$1,000.00) per vehicle used in the collection of refuse within the city of Tucson. Any commercial hauler with a current, valid permit found to be collecting refuse within the city of Tucson with a nonlicensed vehicle shall forfeit the cash permit surety and the commercial hauler's permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.


(B) The commercial hauler's permit application, as provided by the city, shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.

(C) Permits issued pursuant to this section shall be nontransferable. The permits including the requirement to license each vehicle shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of current permit. Applicable fees may be prorated monthly on permits issued during the fiscal year.

(D) Each licensed vehicle operating within the city of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver's side of the vehicle.

(E) Commercial haulers, except from units of local government or tribal entities, must obtain, keep in force and maintain public liability and property damage insurance in the sum of one million dollars (\$1,000,000.00) for personal injury or death to any one (1) person, one million dollars (\$1,000,000.00) for personal injuries or death sustained by all persons in any one (1) accident and five hundred thousand dollars (\$500,000.00) for property damage arising from any single occurrence, arising from any error, omission or act, negligent or intentional, by the commercial hauler or its employees or agents in collection, hauling and/or disposal activities within the city. The city shall be named a co-insured. A certificate of insurance shall be furnished to the city at the time of permit application, and at any time during a permit year when requested by the city. The form and coverage shall be subject to city approval.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10; Ord. No. 10800, § 1, 6-8-10, eff. 7-1-10)

 **Sec. 15-71. Suspension or revocation of permits.**

(A) In addition to the sanctions provided, the city may suspend or revoke any permit authorized or required by this chapter, or suspend or revoke any collection, recycling or disposal services provided by a commercial hauler, whenever it is found that the holder of such permit, or user of such collection services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulations promulgated hereunder, or fails to fully reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10)

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