

CITY OF GILLETTE

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Memorandum

To: Mayor and City Council
From: Charlie Anderson, City Attorney
Subject: Changes in the Recodification of Chapter 9 , *GARBAGE, REFUSE
AND WASTE MATERIAL*
Date: August 11, 2014

This ordinance is a recodification of Chapter 9 of the Gillette City Code, which means the entire chapter has been revised. On one hand, specific sections have been changed to clarify policy and on the other hand existing sections have been relocated to make the chapter easier to read and other housekeeping amendments have been made to bring some sections up to date.

One of the most important clarifications concerns providing a clear distinction between the residential services that are exclusively provided by the City and commercial services that can be provided by either the City Solid Waste Division or private haulers. The definition of *Residential Building or use* has been revised to exclude multiple unit apartments and trailer courts. Four-Plexes and smaller housing units are still residential. The definitions of *Commercial Customer* and *Residential Customer* have been revised and a new definition of *Commercial Building or use* has been added. Additional language has been added to the section *Residential Collection*, to directly state that Commercial Customers may contract with private haulers or with the City, that the City can determine how many containers a customer shall use and the frequency of service “to meet increased production of refuse in customer containers”. In the case of Commercial customers, the City will also have the option of discontinuing service and directing that customer’s contract with private haulers if they do not pay for those increased levels of City supplied services.

Section 9-1(C) (5) concerning the licensing of private haulers has been revised to include a clarification that the license fee is \$250 per year or any part thereof. In addition language has been added to provide that haulers be given 30 days written notice of ordinance violations before they are subject to fines or termination of their license. As a matter of fact, this section was not implemented when first enacted in 1989. Staff agrees that it will provide an additional tool to enforce the rules that govern the private haulers. Implementation will begin in January of 2015 with outreach to the private haulers.

The second paragraph of Section 9-2(A) has been changed to say that costs for damaged containers will be charged out at the lower of the replacement cost and the repair cost. The last paragraph in that section has been changed to specify that refuse is to be bagged and placed into refuse containers, to emphasize that refuse is not to be placed into yard waste containers. Subsection (B) has been changed to say that items in excess of 60 pounds or over 6 feet in length will not be collected by the City. There was a reference in that subsection that said the City would pick up that material on a request basis, but that service is no longer offered.

The section on yard waste containers has been updated in section 9-3 (B) by adding the language that is in the code which specifies when refuse containers are to be placed and how damage to containers is handled so there is consistency concerning those operations.

A new section 9-4 has been added to the code that briefly describes the Recycling program and when those items should be placed for collection.

The Fees and Charges section, 9-5 has been reworked so it now includes both the existing sections for Refuse and for Yard Waste. The rates have not been changed for either service. This change is to make the chapter better organized and flexible so that in the future if rates are established for Recycling, they would be placed in this section as subpart (C). As a substantial change, the language prohibiting anyone to have more than one yard waste container has been removed.

A reference has been added to Section 9-6, in the first paragraph to reference the general billing section of Section 17-7 of the Gillette City Code, to clarify that billing and delinquency processes for solid waste will be handled according to the same processes that apply to the utility services such as water, sanitary sewer and

electricity. This chapter had described those processes in a slightly different manner. Language has been removed from Section 9-7 which stated that solid waste would be billed monthly in advance, which has never conformed to actual practice. The additional language in 9-7 describes in detail that owners of rental and commercial property shall be jointly liable with their tenants for solid waste services. This section will be copied and placed within section 17-7 of the Gillette City Code as an ordinance amendment to that section to clarify that the joint and several liability will apply equally to all city furnished utility services.

Section 9-10, entitled *Regulations for Specified types of Refuse and Waste* collects many individual sections and subsections from the old chapter that had been scattered around and puts them all in one place. This recodification removes some of the antiquated provisions, concerning for instance, the collection of ash, which had been collected in the past but which is incompatible with current practice. Another removed section referred to storage of waste material from manufacturing by a permit from Community Development that no longer exists and is covered in the Nuisance chapter of the code.