ARTICLE 951
Municipal Solid Waste Management Act

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CROSS REFERENCES

Pennsylvania Solid Waste Management Act - see 35 P.S. Sec. 6001 et seq.
Power to regulate - see 3rd Class Sec. 2403(6) (53 P.S. Sec. 37403(6))
Accumulation of garbage - see 3rd Class Sec. 2403(16) (53 P.S. Sec. 37403(16))
Solid waste management - see 25 Pa. Code Ch. 75
Waste minimization and recycling - see S.U. & P.S. Art. 952

951.01 PURPOSE AND GOALS.

The City finds that the efficient management of solid waste is needed to protect the public health of its citizens as well as to protect the aesthetic qualities of this City. As a goal the City shall endeavor to protect public health and aesthetics including public education, management of solid waste collection and enforcement.
(Ord. 30-2007. Passed 9-18-07.)

951.02 RESPONSIBLE AGENT.

(a) The Director of Public Works shall be responsible for all aspects of solid waste management in the City.

(b) The Director shall be responsible for the preparation of all necessary plans for solid waste management and the coordination of those plans with the local, State and Federal agencies. The Director shall prepare, in consultation with the City Solicitor and other City offices, the instructions to bidders, specifications and other contract documents necessary to enter into contracts with the refuse contractor.

(c) The Director shall have the power and duty to:

(1) Provide a public refuse collection, storage, transportation and disposal service and/or approve and regulate the establishment, maintenance and operation of private solid waste collection, storage, transportation and disposal services and sites.

(2) Adopt, issue and enforce such rules and standards as are necessary to implement and carry out the intent of this article.

(3) Issue warning notices and initiate proceedings against violators of this article.

(4) Investigate all complaints made by either customers or the refuse contractor.

(5) Inspect all aspects of solid waste collection, storage and disposal, including but not limited to, equipment, containers, facilities, books and records.

(6) Designate enforcement personnel.

(Ord. 30-2007. Passed 9-18-07.)

951.03 DEFINITIONS.

The following words, when used in this article, shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates otherwise.

(a) "Act 101" means the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.

(b) "Authority" means the York County Solid Waste and Refuse Authority.

(c) "Authorized placement of municipal solid waste" means regular municipal solid waste shall be placed at the designated pick-up point no earlier than 5:00 p.m. the day before collection is scheduled, and no later than 6:00 a.m. the day of collection. Large items are to be placed at the designated pick-up point only after arrangements have been made with the City. The scheduled large items shall be set out for collection according to the same time limitations as above.

(d) "Avenue", "alley" or "street" means a public or private way used for public travel or giving access to the rear of lots or buildings.

(e) “Cans” shall mean containers comprised of aluminum, tin, steel, or a combination thereof, which formerly contained only non-aerosol edible substances or such other substances as have been approved for recycling by the City.

(f) "Cardboard" means all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, wax coated cardboard, soiled cardboard, pizza boxes and chip board.

(g) “Christmas trees” shall mean discarded trees that were once “live” and were used for seasonal decoration. Trees shall be free from all ornaments, lights, tree stands and bags.

(h) "City" means the City of York, Pennsylvania.

(i) "Commercial customer unit" means a number assigned by the City or at the request of a customer that limits the total number of containers that can be collected and which is the basis for commercial refuse rates.

(j) “Commercial establishment”“ means all customer facilities that are not used for residential dwelling. This includes, but is not limited to, offices, bars, restaurants, churches, schools and other educational institutions, garages, retail, health care and service organizations.

(k) "Construction, remodeling and demolition refuse" includes roofing shingles, tile, plaster, drywall, sheet rock, metal or wood sheds, dirt, concrete, stones, bricks and similar materials from commercial repair of private properties or such activities. Small quantities of this material (excluding dirt, concrete, stones, bricks and similar materials) are permitted by residents only if they are contained to meet requirements of the ordinance unit requirements at their billing address and the contractor shall be responsible for collection of this material.

(l) "Contractor, refuse or recycling contractor" means such contractor as may be engaged by the City to collect, transport, market recyclables and dispose of all types of large items or bulky waste or appliances and refuse, defined under the terms of the City contract.

(m) "County" means the County of York, Commonwealth of Pennsylvania.

(n) "County plan" means the solid waste management plan for York County as approved by the Pennsylvania Department of Environmental Protection and the City of York.

(o) "Customer unit" means a billing unit where six ordinance units and designated recyclables may be placed for receipt by the refuse/recycling collection contractor. Customer units are determined by the City.

(p) "Designated pick-up point" means the point designated at each property where refuse, large items (bulky waste/white goods) yard waste and recyclables are to be placed for collection by the refuse contractor at the curb, edge of alley or as designated by the Director of Public Works.

(q) "Director" means the Director of Public Works of the City of York, Pennsylvania.

(r) "Hazardous waste" means any waste which by virtue of its quantity or content presents a hazard to the individuals handling it, a hazard to public health, or potential pollution to the air or waters of the Commonwealth of Pennsylvania, or makes land unfit or undesirable for normal use; this includes, but is not limited to chemicals, explosives, pathological wastes, radioactive materials and any materials defined hazardous wastes by Federal or State law or regulation.

(s) "Large items" includes, but is not limited to: refrigerators, stoves, dishwashers, hot water heaters, washing machines, dryers, freezers, televisions, chairs, rolled carpet, desks, bureaus, tables, mattresses, boxsprings, bed frames, sofas, passenger automobile tires on the rim, push lawn mowers, bath tubs, toilets, sinks, windows, window screens, doors and similar household items. Construction, remodeling and demolition refuse from customer units is excluded from regular curbside collections when the amount exceeds five ordinance units.

(Ord. 30-2007. Passed 9-18-07.)

(t) “Leaf waste” means leaves, garden residue, shrubbery and tree trimmings less than four inches in diameter. (Ord. 42-2008. Passed 10-7-08.)

(u) "Litter" means all municipal solid waste or recyclables which is not properly containerized or disposed of.

(v) "Municipal solid waste" means, as set forth in Act 101, any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in Act 97 from a municipal, commercial or plant or air pollution control facility. The term does not include source-separated recyclable materials.

(w) "Municipality" means the City of York located within the County of York, Commonwealth of Pennsylvania.

(x) “Opt out” means when a commercial property or a residential property, with a minimum of fifty housing units, chooses to make private arrangements for collection of municipal solid waste (privately contracted services must include trash, yard waste, recyclables, large-items, etc.) instead of using services provided by the City’s contract.

(y) "Ordinance unit" means one refuse container or securely tied bundle of refuse, construction, remodeling and demolition debris of such size that the longest dimension shall not exceed three feet and that the volume shall not exceed thirty-two gallons and provided further that the total weight of any one ordinance unit shall not exceed forty pounds. This shall include, but not be limited to, bundles of wood and small household appliances like lamps, irons, toasters, small toys, passenger automobile tires (off rim), etc. In general, any small household appliance that fits into a 32 gallon trash bag or 32-gallon trash can shall be considered an ordinance unit for regular collection. Items that cannot fit into a 32 gallon bag or can will be considered large items as further defined above in definition “large-item”.

(z) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(aa) “Paint and paint products” shall mean latex and oil-based paints, turpentine, paint thinners, varnish and paint strippers or removers. These items can be placed in regular garbage. Containers must be sealed tightly to prevent spillage. The County’s Resource Recovery Center uses an air pollution control system to safely process these items.

(bb) "Person" means any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, public and private schools and educational facilities, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, the term "person" includes the officers and directors of a corporation or other legal entity having officers and directors.

(cc) "Pick-up point" means the point designated at each property where refuse, large items (bulky waste/white goods), yard waste and recyclables are to be placed for collection by the refuse contractor at the curb, edge of alley or as designated by the Director of Public Works of the City of York, Pennsylvania. Each property is entitled to one designated pick-up point.

(dd) "Public place" means sidewalks, curbs, alleys, streets or any area in the public right of way.

(ee) "Refuse" means all regulated nonrecyclable municipal waste which is discarded as useless.

(ff) "Refuse container" means a metal or plastic container sold for the purpose of storing refuse that is thirty-two gallons or less and, when filled, weighs less than forty pounds. Plastic bags up to thirty-two gallon capacity sold for the purpose of storing municipal waste may be substituted. Containers must have a handle and a tight fitting lid.

(gg) "Residential customer unit" means a single-family dwelling or individual apartment or room where up to six ordinance units may be placed at the designated pick-up point for collection by the City's contracted haruler.

(hh) "Solid waste" means garbage, refuse and other nonrecyclable discarded materials resulting from commercial, institutional, residential and community activities.

(ii) "Source separated" means to separate recyclable materials from the solid waste stream at the point of waste generation.

(jj) "Tires" means passenger vehicle tires from residential customer units.

(kk) "Trade waste" means waste building materials from construction, demolition, remodeling or repair of buildings by a private contractor; scrap or waste materials from manufacturing, animal slaughter, motor vehicle maintenance or repair and agriculture production.

Trade waste as described above shall not be included for collection. Small quantities of wood, plaster or other material from small private home repairs are acceptable if they meet the ordinance unit requirement.

(Ord. 30-2007. Passed 9-18-07; Ord. 42-2008. Passed 10-7-08.)

951.04 PROHIBITED ACTS.

(a) For reasons of public health and sanitation, no person, owner, occupant or lessee shall:

(1) Place any municipal solid waste or other material subject to decay, anywhere in the City except in a suitable container;

(2) Permit to remain any municipal solid waste or other material subject to decay, anywhere in the City except in accordance with Section 951.05;

(3) Cause or permit to remain, on private property or the adjoining public places such as sidewalks, curbs or streets, the unauthorized accumulation of dust, litter, yard waste, refuse, recyclables or large items;

(4) Cause or permit to remain, any municipal solid waste on a street, alley or other public place, or upon any private property within the limits of the City, unless it complies with Section 951.05;

(5) Deposit municipal solid waste in any stream or other body of water;

(6) Deposit or permit to fall from their person or vehicle any municipal solid waste or litter on any public places, street or alley in the City. This section shall not be construed to prohibit placing of refuse in a container complying with the provisions of this article preparatory to having such material collected and disposed of in the manner provided herein;

(7) Discharge wastes or waste waters other than storm or groundwater onto public streets or alleys;

(8) Dispose of any municipal solid waste anywhere in the City except at a lawfully established solid waste disposal facility, in full compliance with all applicable Federal, State and local laws;

(9) Allow municipal solid waste that has been scattered or spilled from refuse containers, bags or bundles from a cause or causes other than negligence of the contractor on any premises, private property or adjoining public places, such as curbs, sidewalks, streets and alleys. Failure by the owner of such property to remove any municipal solid waste promptly shall be deemed a violation of same;

(10) Allow any unauthorized accumulation of municipal solid waste on any premises, private property or adjoining public places, such as curbs, sidewalks, streets and alleys. Unauthorized accumulation is hereby declared to be a nuisance and is prohibited. Failure by the owner of such property to remove any existing accumulation of municipal solid waste promptly shall be deemed a violation of same;

(11) Permit refuse containers to remain on sidewalk between scheduled collections and fail to remove such containers within twenty-four hours after collection; or

(12) Allow accumulated municipal solid waste and large items at the designated pick-up point for collection prior to 5:00 p.m. the day before collection is scheduled or placed later than 6:00 a.m. the day of collection.

(13) Dispose of quantities, in excess of the average household, of cooking oil or grease from commercial food preparations other than by private arrangements with a waste oil vendor.

(14) Use refuse containers in excess of 32 gallons or containers that are not specifically sold for the purpose of refuse storage. Such containers may be removed and disposed of as illegally placed municipal solid waste and no refunds will be given.

(b) For reasons of efficient solid waste management, no person, corporation, City contractor or private refuse hauler shall:

(1) Bring municipal solid waste generated outside the City limits into the City for collection under any City contracts; or

(2) Mix municipal solid waste generated outside the City limits with any wastes collected under any City contracts.

(Ord. 30-2007. Passed 9-18-07.)

951.05 STANDARDS FOR STORAGE.

All municipal solid waste storage shall conform to the following standards:

(a) The storage of all municipal solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects and rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances. Specifically, wastes from game hunting and fishing and similar unsightly and malodorous wastes should be double-bagged and securely tied in trash bags that are sold for the purpose of municipal waste storage and the volume of each bag shall not exceed thirty-two gallons and the total weight shall not exceed forty pounds.

(b) The property owner or occupant or lessee shall provide a sufficient number of containers to contain all waste materials generated during periods between regularly scheduled collection as may be necessary to meet the definition of "authorized placement of municipal solid waste".

(c) Refuse containers shall have the following characteristics:

(1) Sheet metal or plastic containers, specifically sold for the purpose of storing refuse;

(2) Is watertight;

(3) Has a tight-fitting lid;

(4) Has a handle;

(5) Has a capacity not exceeding thirty-two gallons; and

(6) When filled, weighs not more than forty pounds.

(d) Other storage requirements:

(1) Plastic bags sold as bags to be used for refuse may be used instead of the refuse containers described above, provided they do not exceed thirty-two gallons, are securely tied and further meet the requirements of subsection (a) hereof;

(2) Paper bags, plastic grocery and department store bags, laundry baskets, milk crates, plastic or metal drums, cardboard boxes and any containers which are not specifically sold for the purpose of refuse storage and any trash can, toter or bag in excess of 32 gallons shall not be used;

(3) Any nonrecyclable municipal solid waste, when stored outside of refuse containers, shall be tied securely in bundles such that the longest dimension does not exceed three feet in length and a thickness of two feet; and

(4) Large items shall be stored so that the collection of water and harborage of rodents is prevented. As a safety precaution, refrigerators which are placed for collection must first have the doors removed.

(e) Refuse containers shall be placed at pick-up points only after 5:00 p.m. of the evening preceding the days when collection is to be made, and after collection is made refuse containers shall be removed back into the building or property to which same belong within 24 hours. It is hereby made the duty of each owner or occupant to replace promptly in such containers any contents of same as may have been spilled or scattered therefrom by any means or cause, other than the negligence of the refuse contractor.

(f) Large items shall not remain in public places unless arrangements have been made through the City and shall be placed at the designated pick-up point no earlier than 5:00 p.m. the evening preceding scheduled collection. If scheduled items are not collected by the City's contracted hauler on the scheduled date, the customer shall notify the City the next business day.

(Ord. 30-2007. Passed 9-18-07.)

951.06 RESPONSIBILITIES OF PROPERTY OWNERS.

(a) It shall be the responsibility of all property owners to maintain in a clean, sanitary condition the shared or public places of the dwelling, yard and sidewalk.

(b) All owners of commercial and residential rental units are responsible for posting refuse/recycling rules and information inside each apartment unit and in each common doorway, where possible. Further, owners are required to inform tenants on collection requirements such as: refuse collection days, recycling and yard waste collection days, time of placement, designated pick-up points and how to schedule collection of large items. The City shall provide public information to landlords upon request for distribution to tenants.

(c) Private alleys, as identified by County real estate records, property deeds or City records shall be maintained in a clean and sanitary condition, free of debris, trash, litter, weeds and other vegetative growth by adjoining property owners. Each owner shall be responsible for their equal portion directly adjoining their property.

(d) The City reserves the right to bill property owners for any special collection and maintenance performed by the City.
(Ord. 30-2007. Passed 9-18-07.)

951.07 COLLECTION STANDARDS.
(a) All municipal solid waste shall be collected and transported so as to prevent health hazards, safety hazards and nuisances.

(b) Municipal solid waste shall be placed, except where prohibited herein, into one or more refuse containers or ordinance units, as applicable. Such containers or ordinance units shall be placed at the designated pick-up point.

(c) Not more than the number of containers and/or ordinance units permitted for the classification of each particular property shall be placed for any single collection.

Residential or commercial property owners or their tenants shall not place more than six refuse containers or ordinance units out for collection per customer unit assigned a property. Placement of more than permitted number of refuse containers or units may result in no collection being made. The City reserves the right to assign higher classifications to each property that exceeds their limits.

Single family residences shall be assigned one customer unit. Additional units may be assigned at the request of the customer or as designated by the City.

Multi-family residences shall be assigned one customer unit per dwelling unit. Additional units may be assigned at the request of the customer or as designated by the City.

Commercial users shall be assigned customer units based on the number of refuse containers or units required for collection. The number of units may be assigned at the request of the customer or as designated by the City.

Property	Maximum Ordinance Units Per Collection
Residential (including single-family dwellings and rental apartments):	
1 unit	6
2 units	12
3 units	18
(X) units	6 x (X)
Commercial:	
Commercial #1	6
Commercial #2	12
Commercial #3	18
Commercial #(X)	6 x (X)
	Special Container(s) According to arrangements made with the City.

(d) Collection of municipal solid waste from residential properties may be made between 6:00 a.m. and 9:00 p.m., with the following exceptions when no collections will be made: Sundays, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

In situations where the day of collection requires a change due to celebration of holidays, special events, acts of God, etc., the collections shall be made from the affected customer units according to the schedule outlined in the current refuse contracts.

(e) Collection and transportation equipment shall be designed and constructed so as to be leak-proof, easily loaded, readily emptied and easily cleanable. The waste shall be suitably enclosed or covered so as to prevent littering, attraction of insects or rodents, or creation of other nuisances.
(Ord. 30-2007. Passed 9-18-07.)

951.08 LARGE ITEM COLLECTION.

(a) Items to be collected under this section include, but are not limited to: refrigerators, stoves, dishwashers, hot water heaters, washing machines, dryers, freezers, televisions, chairs, rolled carpet, desks, bureaus, tables, mattresses, boxsprings, bedframes, sofas, bundled wood, passenger automobile tires (on the rim), push lawn mowers, bath tubs, toilets, sinks, windows, window screens, doors and similar household items. Construction, remodeling and demolition refuse from commercial home repair is excluded from City collection. Construction, remodeling and demolition refuse from customer units is excluded when the amount exceeds five ordinance units.

(b) The allowable large items scheduled from private residents and property owners are equal to a maximum of five items per dwelling unit, for each week scheduled. The City shall schedule large item requests from residents at the City Offices.
(Ord. 30-2007. Passed 9-18-07.)

951.09 TRADE WASTES.

The refuse contractor shall not be required to pick up trade waste as defined herein. Persons who generate such trade wastes shall remove or have same removed at their own expense.
(Ord. 30-2007. Passed 9-18-07.)

951.10 DISPOSAL OF REFUSE.

(a) The disposal site for municipal solid waste as defined in Pennsylvania Act 101, the Municipal Solid Waste Planning, Recycling and Waste Reduction Act shall be the facility operated by the York County Solid Waste Refuse Authority. The Director of Public Works may direct that another permitted site(s) be used.

(b) No person shall dispose of municipal solid waste except in an approved standard method and at all times shall be satisfactory to the Director and in conformance with the requirements of any local agencies having jurisdiction as well as the Pennsylvania Department of Environmental Protection.

(c) No person shall use their land or the land of any other person in the City as a municipal solid waste processing or disposal area or burn solid wastes except in a manner or under conditions prescribed and permitted by the Pennsylvania Department of Environmental Protection.
(Ord. 30-2007. Passed 9-18-07.)

951.11 ANNUAL REPORTING.

Any hauler who collects municipal solid waste and recyclable materials from within the City shall be required to complete an Annual Commercial Recycling Report and to submit it along with a complete customer list of all privately contracted dumpster and tote cart locations in the City. This list shall include customer name, address and the type and level of service.
(Ord. 30-2007. Passed 9-18-07.)

951.12 ANNUAL COLLECTION FEE SCHEDULE.

All persons owning property located within the City shall pay the following fees, based on the category under which such property is classified, which fees are to be computed for each use as exists for each property. Costs are assessed to cover services including but not limited to administration, enforcement, curbside and dumpster collection, disposal fees, street sweeping, illegal dumping, yard waste collection, recycling, litter control and other sanitation costs.

Classification	Fee Per Year	Fee Per Month
Minimum (per unit)	$99.00	$ 8.25
Residential #1	310.20 (Base Rate)	25.85
Commercial #1	620.40 (Base Rate)	51.70
Residential #(X)	(X) x $310.20 (Base Rate) = Annual Rate	
Commercial #(X)	(X) x $620.40 (Base Rate) = Annual Rate	
Special Container	As set by the Public Works Director	

(Ord. 45-2011. Passed 12-31-11.)

City Council may, by resolution, change the collection fee schedule.
(Ord. 50-2008. Passed 12-16-08.)

951.13 TIME OF PAYMENT; PENALTY FOR LATE PAYMENT.

(a) The annual refuse collection service fee shall be billed monthly to coincide with the billing of metered sanitary sewer accounts.

(b) A penalty of one and one-half percent (1.5%) per month shall be added to each bill for each month during which a bill remains unpaid after thirty days from the billing date. In addition all costs associated with the collection of delinquent accounts, including costs assessed by a collection agency for services rendered, shall be added to the account.

(c) It is the obligation of all persons owning property within the City to answer inquiries by the City as to their address, owner of property and its classification under this article, or to notify the City of such information so they may be billed according to this article. All persons owning property being subject to the refuse collection service fee, who do not supply the City with correct information for billing purposes shall upon discovery, be billed the correct annual fee and penalty from the date of the enactment of this section.
(Ord. 30-2007. Passed 9-18-07.)

951.14 DELINQUENT COLLECTION FEES AND LIENS.

All refuse collection service fees, together with all penalties thereon not paid on or before the end of six months from the beginning of each billing period shall be deemed to be delinquent for the purpose of this article. All delinquent refuse collection service fees and penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of York County and shall be collected in the manner provided by law for the filing and collection of municipal claims.
(Ord. 30-2007. Passed 9-18-07.)

951.15 ADJUSTMENTS AND CREDITS FOR CHANGE OF REFUSE CLASSIFICATION.

A classification form is available upon request from the City. No change of classification of a property shall be made until a classification form, properly filled out by the customer, is submitted and verified by the City. No credits or refunds shall be given as the result of reclassification of a property. It is the responsibility of the customer unit to notify the City of any changes in the classification. The City reserves the right to change the classification based on actual inspection of the property.
(Ord. 30-2007. Passed 9-18-07.)

951.16 MINIMUM CHARGES AND VACANCY CREDITS.

(a) There shall be a minimum fee as set by City Council for vacant properties that are connected to the sewer system, and for properties that have elected to opt out of the City collection contract. The minimum fee shall be charged on a per unit basis up to a maximum of fifty (50) units. Disconnection to the sewer system shall be made in compliance with the Plumbing Requirements of the Codified Ordinances of the City. A property shall be considered vacant when the water usage for the unit is 400 gallons or less for that month. Any due credit as verified by the City shall be issued to the owners account or a refund may be made if the amount exceeds fifty dollars ($50.00).

(b) Refunds or credits shall not be made for any period more than two years prior to the date of the request. The minimum charges and vacancy credits shall become effective July 1, 1992.

(c) Any residential apartment complex, with 50 or more housing units, or commercial establishment that opts out shall be responsible for payment of the minimum fee X the number of units per month up to a maximum charge of fifty (50) units. Additionally, these properties are required to separate yard waste from the regular trash in accordance with this article and to separate all designated recyclables from the regular trash in accordance with this
article and Act 101.

(d) Property owners who opt out and secure a private contractor are responsible to provide proper collection and disposal for all normal wastes which are generated by their tenants (trash, recyclables, yard waste and normal household furniture and appliances) in accordance with City ordinances, Article 951 and Article 952. Said properties will be required to furnish to the City adequate proof of a current licensed private contract and to report the tonnages for trash, recycling and yard waste on an annual basis. All opt out properties are subject to inspection by the City to ensure that proper collection and disposal arrangements are in place. Opt out properties shall be required to pay the minimum fee per housing or commercial unit, up to a maximum of 50 units, and are not eligible to receive any curbside collections which are provided under the City's refuse contracts.

(e) Residential properties with less than 50 housing units are not eligible to opt out and must use the City's contracted collection services.

(f) The City reserves the right to deny "opt out" or "exempt" status to any property if deemed in the best interest of the City at the City's sole discretion.
(Ord. 30-2007. Passed 9-18-07.)

951.99 PENALTY.
(a) Any person, firm, corporation or association who violates or fails to comply with any provision of this article shall, upon conviction thereof, be fined not more than one thousand dollars ($1,000), and costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety days (90 days).

(b) The fact that refuse, large items or trade wastes remain on any owners premises in the City in violation of this article, shall be prima-facie evidence that the owner of such premises is responsible for the violation occurring.
(Ord. 1-2009. Passed 1-6-09.)