

**LICENSES FOR COMMERCIAL OR INDUSTRIAL SOLID
WASTE AND RECYCLING SERVICES**



**Scottsdale City Code
February 1999**

NOTICE TO TAXPAYERS

This booklet incorporates sections of the City Code of the City of Scottsdale, as it relates to General Provisions.

It is our hope that this booklet will assist you in understanding the licensing law.

For additional information or clarification, please call (480) 312-2400.

	Ordinance #	Adopted	Effective
Revised	2455	8/31/92	9/30/92
Revised	2573	7/6/93	8/5/93

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ARTICLE XV. LICENSES FOR COMMERCIAL OR INDUSTRIAL SOLID WASTE AND RECYCLING SERVICES

Sec. 16-475. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial or industrial waste means any refuse generated by a business establishment.

Construction waste means material from construction, remodeling, construction site preparation, including but not limited to rocks, trees, debris, dirt, brick, fill, plaster, and all types of scrap building materials.

Director means the customer service director of the city, or the director's designee, as applicable.

Federally exempt organization means an organization which has received a determination of exemption, or qualifies for such exemption, under 26 U.S.C. Section 501(C) and rules and regulations of the commissioner of internal revenue pertaining to the same.

Person means a corporation, company, partnership, firm, association, or society, as well as a natural person.

Recyclable material means any post-consumer material which may be collected, separated, cleaned, treated or reconstituted and returned to the economic stream in the form of raw materials or products.

Refuse means all putrescible and nonputrescible solid wastes, except human bodily wastes; including garbage, rubbish, recyclables, ashes, street cleanings and dead animals; abandoned, wrecked or junked vehicles or parts thereof; brushable material, and containable rubbish, filth, construction

waste and prohibited substances when these terms are not specifically noted in this article.

Reuse means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

Solid waste or trash means rubbish, waste, debris or refuse.

Sec. 16-476. Purpose and effect.

This article is enacted for regulation purposes as well as revenue purposes. Persons required to obtain a license for transacting and carrying on any business listed in this article shall not be relieved from the payment of any tax levied for revenue purposes nor any fee required under any other ordinance of the city and shall be subject to the provisions of such other ordinances.

Sec. 16-477. Administration.

(a) The administration of this article, including the duty of prescribing forms, is vested in the general manager, financial services department, or designee, except as otherwise specifically provided.

(b) The provisions of article I of this chapter, including the definitions used therein, shall apply to this article, unless otherwise specifically provided.

(c) License applications made pursuant to this article shall be submitted to the director or designee, who shall have the authority to issue, deny, renew and revoke licenses, in accordance with the provisions of this article and article I of this chapter.

(d) The provisions of this chapter shall apply to all activities regulated by this chapter, by persons or businesses

described herein, whether such activities were commenced before, on or after the effective date of the article. Any person holding a license for activities covered by this article, on the effective date of the article, shall not continue such activities after the expiration of such license, unless application is made hereunder and the applicant fully complies with license requirements.

(e) All licenses issued pursuant to this article shall be for a period of one calendar year. Licensees may re-apply for licenses on an annual basis.

(f) All license applications made pursuant to this article shall be submitted not less than thirty (30) days prior the date the applicant intends to commence business, or the expiration of an existing license under this article, as applicable.

Sec. 16-478. License required.

(a) No person shall engage in, operate as, or represent itself to the public as one who collects, transports, disposes, or recycles, commercial or industrial refuse generated within the city; or collects, transports or disposes of recyclable materials from residential refuse generators; except as otherwise expressly provided in this article, without having first obtained a license pursuant to the provisions of this article. Article I of this chapter, including definitions contained therein, shall apply to this article.

(b) The license required by this section shall be in addition to any other licenses or permits required in order to engage in the business by either the city, the county or the state, and persons engaging in activities described in this article shall comply with all other ordinances and laws, including the city zoning laws, as may be required to engage in the business to be licensed. Failure of an applicant or licensee, as applicable, to meet the requirements of this subsection shall be grounds for denial or revocation of a license.

(c) General commercial collection services and commercial recycling services may be combined in a single license.

(d) In the event that a determination is made under the provisions of section 24-11(c) of this code that the city will not provide collection services to certain residential establishments and areas, the license required to be issued to provide such collection services shall be limited to such establishments and areas.

Sec. 16-479. Exceptions.

(a) No license shall be required under this article as to the following:

(1) Governmental entities and agencies; or their authorized agents, when acting within the scope of their agency, pursuant to a contract or otherwise; engaged in the collection, transportation, disposal, or recycling of commercial or industrial refuse within the city.

(2) All persons who collect, transport or dispose of medical wastes, infectious wastes, hazardous wastes, toxic wastes, or any other similar category of solid waste, for which the person has obtained a required state, county or federal permit to engage in such activities. This exception shall not extend to collection, transportation or disposition of materials not enumerated herein.

(3) Persons who engage in the activities described in this article only secondary or incidental to other services or activities (e.g. lawn services, tree trimming services, contracting).

(4) Persons collecting "reuse" commodities from residential, commercial or industrial waste generators,

when authorized to do so by the sanitation director.

(5) Persons hauling their own refuse from their own premises to a legal point of disposal, except as may otherwise be provided by this code or other law.

(b) Federally exempt organizations, organized and operating for community, charitable, religious, educational or philanthropic purposes; which are engaged in activities for which a license is required under this article shall obtain a license, but shall not be required to pay any fee for such license unless engaged in such activities as a business. The director may require that proof of such status be shown by organizations acting under this exception. This exception shall not apply to organizations established in whole or part to circumvent the requirements of this article. Any persons engaged in activities requiring a license under this article, acting on behalf of non-profit groups, for compensation of any kind, must comply with the provisions of this article.

Sec. 16-480. Application.

Every person applying for a license under this article shall file an application with the director, which may be upon a form provided by the director, containing the following information:

- (1) The names, addresses of all applicants, including local address, mailing address, permanent home address and business address.
- (2) Business and emergency telephone numbers for all persons or organizations making application.
- (3) The name, addresses and telephone numbers of a person who will be responsible for responding to emergencies on behalf of the applicant in the event that a license is issued.
- (4) Each residence and business address of the

persons making application, for the five year period immediately preceding the date of filing the application, and the inclusive dates of each such address.

- (5) Arizona drivers license number of the applicant, if applicable.
- (6) Valid proof of age evidencing that the applicant is at least eighteen (18) years of age, if the person is seeking to be licensed in an individual capacity.
- (7) If the organization on whose behalf the application is made is a joint venture, partnership, or limited partnership, the names, local and permanent street addresses and local telephone numbers of all partners and their percentage of participation. If the organization is a corporation, the names, local and permanent street addresses and telephone numbers of all shareholders owning an interest of five percent (5) or more of the outstanding shares and their percentage.
- (8) Information as to whether such individual or business has ever been refused any similar license or permit or has had any similar license or permit issued to such individual or business revoked or suspended, in the city or elsewhere, and the reason or reasons therefor.
- (9) The make, model, vehicle identification number (VIN) and Arizona license plate number for each vehicle, with a capacity over ten (10) cubic yards, that the applicant will use in connection with the license.
- (10) All prior criminal convictions excepting minor traffic offenses for the last five (5) years;
- (11) If the applicant is a corporation, the name of the

corporation shall be set forth exactly as shown on its articles of incorporation or charter, together with the state and date of incorporation, and the names, residence addresses, and dates of birth of each of its current officers and directors, and each stockholder holding more than five (5) percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the names, residence addresses, and dates of birth of each of the partners, including limited partners and profit interest holders. If the applicant is a limited partnership, the applicant shall furnish a copy of the certificate of limited partnership as filed with the secretary of state. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The corporation or partnership applicant shall designate one (1) of its officers or general partners to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this article, but only one (1) application fee shall be charged.

- (12) The name of the statutory agent or other agent authorized to receive service of process.

Sec. 16-481. Additional information.

(a) In addition to the information required in section 16-480, the following information shall be submitted in connection with the license application.

- (1) A statement indicating what arrangements have been made by the applicant for the disposal of all commercial or industrial refuse to be collected pursuant to the license and the location of the disposal site.

- (2) A description of the applicant's previous

experience in activities similar to those for which the license application is submitted.

(3) Additional information deemed by the director to be reasonably necessary to fully and fairly evaluate the license application.

(b) The director shall provide a copy of the application and the information required by this section to the director of the sanitation department for the city. The director of sanitation will evaluate the application and information and will make a recommendation to the director as to whether the license should be granted or denied. The recommendation shall be in writing and, if it is for denial, shall give the reasons why in the reasonable judgment of the director of sanitation the applicant should not be granted a license.

(c) The customer service director and the director of sanitation shall have the assistance of such other departments of the city as may be deemed reasonably necessary to determine whether or not an applicant meets the requirements set forth in this article and article I of this chapter.

(d) The director shall have sixty (60) days from the date of the completion of all application materials and requirements to either issue or deny any license subject to this article. The issuance of any license shall in no way be construed as a waiver of any right of revocation the city may have at the time of issuance.

Sec. 16-482. Reserved.

Sec. 16-483. Display of license; tags.

A copy of any license issued pursuant to this article shall be kept in every vehicle that is authorized to be operated pursuant to the license and shall be displayed to any law enforcement officer; or the sanitation director, or designee;

upon request. Licensees shall also comply with any rules and regulations issued pursuant to section 24-3 of this code, which may require the posting or display of tags, stickers or like identification, on vehicles operating under a license issued pursuant to this article.

Sec. 16-484. Residential recycling licenses; annual issuance.

(a) Licenses issued for the collection, transportation or disposition of recyclable materials from residential generators shall expire at the end of the calendar year for which they were issued.

(b) In the event that the city council determines that legitimate governmental purposes would be advanced by having the city exclusively provide any or all of these services, and it is not otherwise prohibited by law, the city council may act to prohibit the issuance of licenses to perform these services. The city shall not be liable to any licensee for any damages of any kind claimed to result from the actions taken pursuant to this section.

(c) All licenses issued for activities relating to recycling shall bear a statement indicating that the license shall expire at the end of the applicable year and that it is not renewable. It shall state that the holder of an expiring license may apply for a new license, as may be provided in this article. It shall indicate that the licensee understands that it will not be entitled to damages of any kind, in the event that city council determines that such licenses will not be issued in the future. All licenses shall be acknowledged by licensees at the time of issuance.

Sec. 16-485. Residential recycling license; conditions.

(a) Every licensee shall conform to the requirements of Chapter 24 and the rules and regulation promulgated thereunder, to the extent that they relate to activities licensed

under this article.

(b) The following conditions apply to all residential recycling licensees, regardless of whether the conditions appear on the face of the license, and to customers of residential recycling licensees, as applicable:

(1) Every licensee will require each customer to place or cause to be placed all recyclables, set out for collection, in suitable receptacles or containers, approved by the sanitation director and provided by either the licensee or the customer.

(2) Each licensee shall be responsible for maintaining containers used and the areas around the containers in a sanitary condition.

(3) The permissible hours of collection shall be as is provided in the rules and regulations promulgated pursuant to this chapter 24. In no event shall any recyclables be collected or removed from locations in the city between the hours of 9:00 p.m. and 5:00 a.m.

(4) Recycling containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied they shall be removed from the curblane on the day of collection.

(5) No person shall place or cause to be placed any refuse upon any public or private property not owned by him or under his control.

(6) No person shall place recycling containers for collection in such a way as to obstruct access to a refuse container, or bin placed out for collection service, or to obstruct refuse collection operations in any other manner.

(7) No person, business, contractor or licensee shall

knowingly collect, place or caused to be placed or collected any hazardous waste or similar materials from or in any container or from or upon any public or private property, except as specifically permitted by the Arizona Department of Environmental Quality or the Federal Environmental Protection Agency.

(c) Violations of this section shall be deemed to be petty offenses and each offense shall be punishable by a fine of not more than three hundred dollars (\$300.00), if committed by a person receiving service, and not more than one thousand dollars (\$1000), if committed by a licensee.

Sec. 16-486. License fees.

(a) The following fees shall be levied against applicants for commercial refuse, or combination commercial refuse and recycling licenses, effective January 1, 1993, to defray the costs associated with the administration and enforcement of this article. All fees are non-refundable, non-transferable and must be paid in full prior to the issuance of any license.

(1) Annual license application fee of two hundred-fifty dollars (\$250).

(2) Annual per vehicle license fee of seven hundred-fifty dollars (\$750) for all collection vehicles with a minimum capacity of ten (10) cubic yards which are operated in the City of Scottsdale under the commercial refuse hauler license issued pursuant to this article. There shall be no annual per vehicle license fee for vehicles with a capacity of less than ten (10) cubic yards.

(3) Annual per vehicle license fees for period of less than one (1) year shall be prorated by calendar quarter, but shall be paid in full prior to use of the vehicle for which the fees are paid. Any portion of a quarter that exceeds fifteen (15) days shall constitute

a quarter for purposes of this subsection. The annual license application fee shall not be prorated.

(b) Effective January 1, 1993, applicants for recycling licenses only, either commercial or residential, shall pay an annual license application fee of fifty dollars (\$50.00). All fees are non-refundable, non-transferable and must be paid in full prior to the issuance of any license.

Sec. 16-487. Quarterly reports.

(a) All licensees under this article shall provide the director of sanitation with the following information, in writing, each calendar quarter of the year, or portion thereof, that the license is in effect:

(1) The number of customers being serviced within the city limits and, as to commercial services only, the total number of containers being serviced.

(2) The monthly total number of tons collected.

(3) The monthly total number of tons recycled, itemized by type of materials and sites at which deposited.

(b) The quarterly reports shall be submitted not later than the last day of the month following the end of the calendar quarter which is covered by the report. Reports shall be due, therefore, not later than: April 30 for the period January 1 through March 31; July 31 for the period April 1 through June 30; October 31 for the period July 1 through September 30; and January 31 for the period October 1 through December 31.

(c) Upon the written request of the director of sanitation, licensees shall provide such other information as may become necessary to conform or assist in conforming to all applicable federal, state, county or city laws, ordinances, resolutions, rules and regulations concerning refuse, recycling, source reduction or similar activities.

Sec. 16-488. Prohibitions.

(a) Licensees shall be subject to the applicable provisions of chapter 24 of this code, including the prohibitions contained therein.

(b) No person shall have an interest in more than one (1) license issued pursuant to the provisions of this article. For the purpose of this section the word "interest" includes ownership or control of five percent (5) or more of any joint venture, partnership, or limited partnership or of the outstanding shares of the corporation.

(c) This section shall not be construed to prohibit the issuance of a residential recycling license to the holder of either a license for general commercial collection services, or commercial recycling services, or a combined license for both.

(d) Licenses issued pursuant to this article shall be non-transferable.

Sec. 16-489. Container requirements.

(1) Licensees may service only standard refuse containers, roll-off bodies and refuse compactors furnished by either the licensee or the refuse customer.

(2) Licensees shall have joint responsibility with the refuse customer to keep and maintain sufficient standard containers, as may be determined by the director of sanitation, to accommodate the disposal needs of the establishment.

(3) Licensees shall at all times maintain licensee-owned containers, roll-off bodies and refuse compactors in sanitary condition and good repair, as may be determined by the director of sanitation. All licensee owned containers, roll-off bodies and refuse compactors shall be painted and have the

licensee's name and phone number identified legibly thereon.

(4) All containers must be covered and roll-off bodies must be covered when transporting to prevent refuse or contents from spilling or blowing onto the ground.

(5) Any refuse containers placed by a person who does not have a valid license under this article to service customers in the city may be seized by the city and held until claimed by the person or owner. The city shall use reasonable efforts to notify the owner of the seizure and shall return the container to the owner for a return fee of one hundred dollars (\$100.00). After the container has been held for thirty (30) days without being claimed, it shall be deemed abandoned and the city shall dispose of it as provided by law.

Sec. 16-490. Revocation; grounds; procedures.

(a) The director shall initiate license revocation proceedings when the director has reasonable grounds to believe that the licensee has:

(1) Engaged in an act prohibited by this article, or failed to do an act required by this article.

(2) Been convicted of two (2) or more petty offenses under section 16-485.

(3) Engaged in an act or omission constituting grounds for revocation under article I of this chapter.

(b) Revocation procedures, including any revocation hearing, shall be in accordance with the provisions of article I of this chapter.

Sec. 16-491. Remedies cumulative.

All remedies prescribed by this article shall be cumulative

and supplemental and the use of one (1) or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

Sec. 16-492. Review and appeals.

Any person aggrieved by any decision with respect to either the denial of or refusal to issue a license, or the revocation of a license which is subject to this article, shall be entitled to the review and appeal procedures provided in article I of this chapter.

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