

Sec. 7.5-1. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them in this chapter:

Ashes. The residue from the burning of wood, coal, coke or other combustible materials.

Customer. Shall mean the occupant and/or the owner of the premises.

Debris. Shall mean materials not categorized as trash or garbage.

Garbage. Shall mean and include all waste and discarded foods, animal and vegetable matter and all other putrescible waste matter, including food containers, drink containers, food cans and food packaging materials, but not including liquid waste or body waste.

Garbage container. Shall mean and include a receptacle or can having a capacity of not more than 32 gallons of substantial metal or weather resistant plastic construction, with cans having a tight fitting lid or cover, with not less than one handle on the lid of cover and two handles on the side of the receptacle which can be conveniently lifted or moved. The total weight of the container and contents shall not exceed 60 pounds.

Premises. Any residential unit, dwelling, flat, rooming house, apartment house, townhouse, condominium, hospital, school, hotel, club, restaurant, boarding house, eating place, shop, place of business, commercial establishment, manufacturing establishment, courthouse, jail, city hall, post office or other public building.

Posting of notice. Placing a notice of any violation on an entrance or exit of the premises.

Producers. Shall mean any occupant, owner, lessee or other party packaging or setting material in rights-of-way for pick-up.

Route. The particular streets, alleys and right of ways, scheduled by the city for garbage pick-up on particular days of each week.

Sanitation department. The sanitation department of the City of Irondale, Alabama.

Trash. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, grass cuttings, leaves, tree limbs, wood, glass, bedding, crockery, metals and other nonputrescible solid waste substances not included in the definition of "garbage" as it appears in this chapter.

Sec. 7.5-2. - Collection by the city (Generally).

To the extent prescribed in this chapter, trash and garbage accumulated within the corporate boundaries of the city shall be collected, conveyed and disposed of by the sanitation department of the city under the supervision of the director of public works, who is responsible for enforcement of this chapter.

Sec. 7.5-3. - Categories not to be collected.

The following categories of trash, debris and garbage will not be collected, conveyed or disposed of by the city. The actual producers thereof, i.e. owners, lessees, occupants and other parties entering on the premises on which such trash, debris and garbage is accumulated, shall be responsible for collecting, conveying and disposing of such trash, debris and garbage in accordance with the provisions of subsection 7.5-8(3):

- (1) Dangerous materials and substances such as poisons, acids, caustics, infected materials, hot ashes, highly inflammable materials and explosives, including but not limited to paint cans (unless

empty and open or filled with sand or dirt), lead plate batteries, and any and all material considered hazardous waste by the state department of environmental management;

- (2) Rocks, dirt, earth;
- (3) Rubber, rubber products (i.e. tires), roofing and similar materials;
- (4) Any debris, trash or other materials resulting from demolition, repair, excavation or construction of buildings or structures by contractor, or from work performed by persons in landscaping, tree service, plumbing, heating and cooling and other like businesses, or from a resident performing job and serving as contractor. It shall be the responsibility of the owner to cause this waste to be removed. This subsection does not, however, prohibit a resident from performing minor landscaping work on the resident's property and disposing of the resulting debris in conformance with the terms of this chapter;
- (5) Solid wastes resulting from industrial or commercial processes;
- (6) [Intentionally omitted]
- (7) Trash, debris and garbage not prepared for collection by the city in accordance with the provisions of this chapter;
- (8) Dog and cat litter and the clean-up from animal pens;
- (9) [Intentionally omitted]
- (10) Leaves, grass and cuttings not in a plastic bag or in a container or not placed in the collection service area as defined in section 7.5-4(2) below.

The deposit of any of the foregoing categories of trash, debris and materials in containers or on the street, alley or collection service area as defined in section 7.5-4(2) below for collection shall be deemed a violation of this chapter.

Sec. 7.5-4. - Service and service requirements.

Service will be provided by the city and the trash and garbage shall be prepared for collection by the residents of the city in the following manner.

- (1) Collection of garbage will be made once weekly. The city shall strive to collect trash and debris on a routine basis. In the event the collection date is a legal holiday or the collection is delayed as a result of circumstances beyond the control of the sanitation department, the collection shall be rescheduled and residents will be notified of an alternate date. Exceptions to this section may be made in the event of natural disasters or a state of emergency, in the discretion of the Mayor.
- (2) Garbage must be stored in a garbage container as herein defined. Use of plastic liner bags or the placement of garbage in plastic trash or garbage bags in the garbage containers is required. Loose garbage placed in containers without being contained in bags will not be collected. Garbage will not be collected from containers which do not meet the city standards. Garbage cans to be emptied, as herein provided, must be outside of basements, garages and other similar enclosed areas, located no further than three feet from the street or alley of the collection route, must be visible and accessible from the public street, private street or alley constituting a part of the route of the city's garbage pickup service, and must not impede or otherwise interfere with any use of the right-of-way. The area which meets all requirements in the preceding sentence shall be referred to in this chapter as the "collection service area". No garbage or garbage container shall be left for more than 24 hours at the collection location after being serviced. It shall be a violation of this chapter for any garbage containers to remain permanently on or at the collection service area. Any owner, occupant, lessee, firm, corporation partnership or other entity who is found to have violated this section of this chapter shall, upon conviction, be punished in accordance with section 1-10 of this Code as adopted on November 10, 1990, or as it may be

hereafter amended. Punishment under this section shall be in addition to all other remedies as herein set out and/or contained in any other ordinance.

- (3) No more than three (3) garbage containers, as defined in Sec. 7.5-1, will be removed.
- (4) Logs not exceeding six (6) feet in length and ten (10) inches in diameter will be collected subject to equipment limitations and section 7.5-3.
- (5) Trash, leaves, limbs, bushes, etc. should be placed in the collection service area as herein required. They shall not be placed on the street or in gutters.
- (6) Garbage should be set out by 6:30 a.m. on the morning of scheduled garbage collection service.
- (7) Leaves, grass and cuttings should be placed in a covered container or plastic bag properly secured and placed in the collection service area. Leaves or grass not in a container or plastic bag properly secured will not be picked up. In no instance shall leaves, limbs or vines be placed on the street, over stormwater drains or in gutters. Limbs and vines must be also placed in the collection service area.
- (8) Any dog which harasses city employees in any way must be leashed, chained or locked in a resident's garage or basement, fenced area or kept inside the residence or building on the scheduled days of collection service. Where dogs are kept fenced in, garbage cans must be kept outside the fenced area.
- (9) Garbage, tin cans and other receptacles which have contained food shall, after being drained free of all liquid, be deposited in garbage containers and shall, unless otherwise authorized or directed by the director of public works, be kept in an area not visible from the street until collection day.
- (10) Ashes (including fireplace ashes) shall, after all embers have expired, be deposited in appropriate closed containers, separate and apart from garbage, debris and trash and placed in the collection service area. Such containers shall be fireproof, watertight and equipped with handles adequate to facilitate collection and shall have a capacity of not more than 32 gallons. The total weight of the container and contents shall not exceed 60 pounds.
- (11) Trash (exclusive of leaves, limbs and brush, which must be handled as provided in subsection (5) or (7) above) shall be deposited in trash containers or plastic bags and apart from garbage and ashes. Such containers shall be left for collection in the collection service area. No trash shall be placed in the same container or receptacle with garbage in any amount. Any broken glass or pottery must be placed in a trash container or receptacle and placed for collection as hereinabove provided.
- (12) Trash, debris and garbage not prepared for collection in accordance with the foregoing provisions of this section shall not be collected by the city. Where the failure to comply with such provisions arises by virtue of the failure to properly bag or prepare material for pickup or the use of defective containers, such as containers which leak or which have ragged or sharp edges or other defects, which could hamper or injure city employees and/or other persons engaged in collecting the contents thereof, the owners of such containers or the persons utilizing such containers shall be given 48 hours after notice to correct such defect before such owners or other persons shall be deemed guilty of a violation of this chapter. Notice will be given by placing a tag marked "condemned" on the defective container. The placing of said tag shall be considered properly posted notice of a violation. A garbage container that has been deemed defective or condemned will no longer be serviced by the city. A defective or condemned container placed at curbside or at the collection service area will be picked up by the city only upon the owner's checking of the appropriate box and signing of the condemned tag.

Sec. 7.5-5. - Powers of public works director.

The public works director or his designated representative shall have authority to implement and enforce the provisions of this chapter.

Sec. 7.5-6. - Dead animals.

Dead animals of less than 75 pounds in weight shall be collected without charge upon request made to the sanitation department or the police department of the city. Such animals must be deposited in appropriate closed containers or plastic bags, separate and apart from other garbage, debris and trash and placed in the collection service area.

It is hereby declared a nuisance and health hazard and in violation of this chapter for a dead animal, regardless of size, to remain undisposed of on any premises within the city for a period of longer than 24 hours duration.

Sec. 7.5-7. - Commercial property and institutions.

Garbage generated by businesses, churches, schools and other private institutions unless excluded herein shall be collected by the city or its representative and disposed of in accordance with health department requirements. Collection shall be on a rotating schedule to provide at least once weekly service to all commercial property. Businesses generating food waste shall utilize a containerized collection system. Businesses generating garbage in excess of eight 32-gallon containers or receptacles per week on a regular basis shall utilize a containerized collection system. All other businesses and institutions shall deposit garbage in garbage containers sufficient to confine all garbage. No loose debris will be collected. Collectors are prohibited from entering any building to make collection. Collections shall be made at the front or rear of all premises or in accordance with this chapter, any other city ordinance or other regulation which takes precedence.

Sec. 7.5-8. - Owner or occupant's duties (generally).

No owner, lessee or other occupant of any premises located within the city shall permit or suffer any trash, garbage or debris to accumulate on such premises. Such accumulation is hereby declared to be a "nuisance" and is prohibited.

Such owner, lessee or other occupant or person shall jointly and severally be responsible for each of the following:

- (1) Providing garbage and trash containers in sufficient size and number, of appropriate design and construction, except as provided in subsection 7.5-4(5) or (7), to accommodate and keep in a safe and sanitary manner all trash and garbage accumulated on such premises between times of collection. Such containers shall be durable, rust resistant, watertight, nonabsorbent construction, equipped with a close fitting cover or lid as hereinabove provided and, if used for storage of ashes, shall be fireproof.
- (2) Depositing into such containers all trash and garbage, except as provided in subsections 7.5-4(5) and (7), from such premises promptly as it accumulates; for keeping such containers in a clean, neat and sanitary condition at all times, which includes tightly securing the lids or covers thereon at all times other than when trash or garbage is being deposited therein or being removed

therefrom in accordance with the terms of this chapter; and for generally maintaining the premises in a sanitary condition at all times, which included preventing the access of flies, rodents and animals to such trash and garbage and preventing the soiling of the ground or surface upon which such garbage or waste containers stand.

- (3) Having such trash and garbage not collectible by the city promptly collected, conveyed and disposed of in a manner approved by the county department of health and at the same frequency as the collection service of the city.
- (4) Having such trash and garbage as is collectible by the city prepared for collection in accordance with the provisions of this chapter.

Sec. 7.5-9. - Multiple-family dwellings or buildings and mobile home parks.

The owners, tenants and other occupants of any premises located within the city which is used for business purposes, mobile home parks, or multiple family dwellings shall jointly and severally be responsible for providing a storage area in which shall be kept the garbage containers and trash containers required by this chapter.

It shall be unlawful for any owner, tenant or other occupant of any such property or for any employee, servant, or agent of such person or entity to place or deposit any trash or garbage from such business operation in a trash basket or waste receptacle maintained by the city on the public streets or sidewalks or in any trash or garbage container other than ones located in such storage area.

Sec. 7.5-10. - Unlawful to litter.

It shall be unlawful for any person to throw, cast or otherwise deposit or cause to be thrown, cast or otherwise deposited any paper, garbage, trash, debris, rubbish, containers (either glass, metal or paper) or any other substance of any kind in or upon any curb, gutter, sidewalk, street, avenue, highway, tunnel, sidewalk, park, parkway or lot, vacant or occupied.

It shall be unlawful for any person to sweep or deposit in the public streets, curblines, sidewalks or gutters any solid waste, grass cuttings, limbs, leaves, bushes or any other material or article that would tend to impede the flow of water in the gutters or along the streets or sidewalks or that would tend to clog the storm drainage system or be an obstruction to traffic or pedestrians.

Sec. 7.5-11. - Removal of garbage from garbage containers.

It shall be unlawful for any person to remove any garbage, rubbish, refuse or other like materials from any garbage container except his/her or its own, within the corporate limits of the city after it has been placed therein, except under the orders of an officer, agent or employee of the sanitation department or by some other person removing same for disposal or by any law enforcement agent or other person empowered by law.

Sec. 7.5-12. - Illegal use of another's garbage container to avoid collection fee.

It shall be unlawful for any person or entity not subscribing to the collection service to place their garbage and or trash in a container belonging to another for the purpose of avoiding payment of collection fees. Any such action by any person or entity shall be prima facie evidence of such intent unless proven otherwise by substantial evidence.

Sec. 7.5-13. - Removal of public trash receptacles.

It shall be unlawful for any person to remove or cause to be removed from any street, sidewalk, park or other municipal property in the city any receptacle furnished by or on behalf of the city for the deposit of trash. It shall be unlawful for any person to sit upon, deface, tamper with, mutilate or destroy any such receptacle or cause it to be used in any way which will make it inaccessible for the receipt of trash.

Sec. 7.5-14. - Inspections by health officers; right of health officers to enter at reasonable times; resisting inspection.

Any health officer of the county, the director of public works or such other authorized inspector as may be designated by the director of public works shall, after identifying himself or herself to such persons as may then be present, have the authority to enter at reasonable times upon private property within the city for the purpose of inspecting and investigating such premises with respect to compliance with the terms of this chapter. It shall be unlawful for any person to resist or interfere with such inspection.

Sec. 7.5-15. - Fees and penalties.

(a) *Garbage.*

- (1) Garbage collection, hauling and disposal service is conducted by the city's sanitation department, a division of the department of public works, and is hereinafter referred to as the "garbage collection service" or "collection service."
- (2) For the garbage collection service rendered during each 12-month period beginning on Feb. 1 of each year, each business, institution or residential unit receiving service or eligible to receive service shall pay to the city a fee, unless said business, institution or residential unit is subject to and compliant with the provisions of section 7.5-16. The total of said fees should approximate the cost to the city of said service and may be periodically determined and adjusted by the city council by amendatory ordinance.
- (3) Any garbage collection service fee shall be the responsibility and liability of the business, institution or residential owner and/or occupant last listed at each premises unless and until a proper discontinuation of service form is completed and received by the city sanitation department, or until such time as the business, institution or owner/occupant becomes subject to the provisions of section 7.5-16 and complies with the requirements set out therein.

- (b) *Trash.* There is no fee for trash and debris collection as long as such trash or debris is handled in a manner consistent with the requirements of this chapter. Improperly bagged or disposed of trash or debris in violation of this chapter shall, after the posting of one 48-hour notice, result in an assessment against the customer and the collection of a fee on the city's cost of removal of said trash and debris with a minimum of a \$100.00 charge.

(c) *Multiple-family dwellings or buildings and mobile home parks of more than five units.* For the collection service to be rendered for each 12-month period beginning February 1 of each calendar year, unless amended, any person firm, corporation, institution or other entity owning investment property, rental property or mobile home parks consisting of more than five units within the city shall be responsible for all solid waste fees on each occupied unit or rental parcel. Each person, firm, corporation, institution or other entity in charge or control of each residential unit of a multi-family dwelling or apartment or mobile home park, where the city is furnishing such collection service, shall pay to the city a fee per occupied residential unit or mobile home site as follows:

If paid monthly\$ 20.00

If paid quarterly60.00

If paid semi-annually110.00

If paid annually220.00

(d) *Single-family dwelling units.* For the collection service to be rendered for each 12-month period beginning February 1 of each calendar year, unless amended, the persons occupying and in charge or control of each single-family dwelling unit and or/the owner of each single-family dwelling unit shall pay the city a fee per residential unit as follows:

If paid monthly\$ 20.00

If paid quarterly60.00

If paid semi-annually110.00

If paid annually220.00

(e) *Business or institution.* For the collection service rendered for each 12-month period beginning February 1 of each calendar year, unless amended, each business or institution receiving service shall pay the city a fee per unit as follows:

If paid monthly\$ 40.00

If paid quarterly120.00

If paid semi-annually220.00

If paid annually440.00

(f) *When increases apply for prepaid customers.* Any and all increases in garbage collection fees shall not apply for any period, whether that be quarterly, six-month or 12-month, which has been prepaid by a customer. After the expiration of said quarter, six-month or 12-month prepayment period, any increase in garbage fees shall apply to the prepaying customer.

(g) *Billing procedures, late charges and delinquent accounts.*

(1) All bills for collection service shall be rendered on behalf of the city by the city clerk and shall be due and payable in advance within ten days from the date rendered, provided that fees may be paid in installments as hereinabove provided, and provided further, that at the initiation of service, a person, firm, corporation, institution or other entity shall pay at a pro-rata rate for the 12-month period in which service for such person is begun. Upon request of a customer who no longer occupies a residential or business site where fees for collection service were paid, a pro-rata refund will be given for quarterly, semi-annual or annual fees paid in advance.

(2) A. Payments on bills where collection service is billed jointly with water service shall be first applied to outstanding collection service fees. A monthly late fee of \$7.50 shall then be applied to

any outstanding charges for water service. This late fee shall be in addition to the late fee for water service charges as set out in Section 18-14(b).

B. Where collection service only is billed, in the event payment is not made for the collection service within the time provided in paragraph (1) of this subsection, such payment shall be deemed delinquent and shall bear a late penalty of \$7.50 per month for each month until paid. Furthermore, any collection service only bill which remains unpaid for a period of 90 days or more shall bear interest at the rate of 1½ percent per month from the date of delinquency until all of the outstanding balance is paid in full.

C. All fees imposed by this subsection 7.5-15(g)(2) are in addition to all other penalties or remedies, civil or criminal, allowed by this chapter.

- (3) All payments for garbage collection, hauling and disposal service or any other payments made pursuant to the provisions of this chapter shall be made as directed on the bill for said service. Water and/or garbage payments may be paid online; however, said payments may only be made in full. No partial payments may be made online. The city shall have the right to proceed for the collection of delinquent garbage collection service fees, suspend services, or both, if garbage collection service fees are not paid within 30 days after the same shall come due and payable pursuant to Code of Ala. 1975, § 22-27-5. In the event delinquent charges and fees are referred to an attorney for collection, the occupant shall pay all costs of collection including a reasonable attorney's fee, special process server fee (as a part of collection) and court costs if a court action is filed.
- (4) In the event an account becomes delinquent and unpaid for a period of 90 days, any subsequent payment shall be applied in the following order: First, to the costs of collection, including, but not limited to, attorney's fees, special process server fees, and court costs; second, to any and all late charges and outstanding interest as calculated hereinabove; third, to the outstanding delinquent balance; and fourth, to the current charges due, if any.
- (5) Any person, firm, corporation, partnership or other entity, who is found to have violated any provision or section of this chapter shall, upon conviction, be punished with a fine of not less than \$50 nor more than \$200 for each day that the amount remains unpaid, in accordance with Alabama Code § 22-27-7, as it may be hereafter amended. Punishment under this section shall be in addition to all other remedies as herein set out in section 7.5-15.
- (6) In addition to all other penalties or remedies contained in this section 7.5-15(g), the city may publish the names and account balances of delinquent garbage customers. However, personal information shall not be published.

Sec. 7.5-16. - Mandatory service requirement exemptions.

- (a) A person, household, business, industry or any property owner may store, haul and dispose of his or her own solid wastes on his or her land or otherwise, provided such storage, haulage or disposal is accomplished pursuant to an exemption or certificate of exception granted by either the Jefferson County Department of Health or the Alabama Department of Environmental Management, pursuant to Alabama Code § 22-27-3(a)(3) or § 22-27-3(g).
- (b) No exception, exemption fee, or any other review, approval or payment shall be required of any generator for the collection, handling or disposal of its own solid waste using facilities or equipment owned by the generator, its corporate parent, affiliate or subsidiary and duly permitted for such use by the state department of environmental management or its successor in function, in compliance with Alabama Code § 22-27-3(g)(2).

- (c) Additionally, any household (1) whose sole source of income is Social Security benefits, or (2) whose head of household is 65 years of age or older and the combined income of all adult residents of said household, including applicant, shall not exceed 75 percent of the Federal Poverty Guidelines (for the year the exemption is being requested), shall be granted an exemption from the payment of any residential garbage collection fees required by this article, consistent with Alabama Code § 22-27-3(a). Any outstanding and/or delinquent balance incurred prior to the exemption approval date shall not be exempt from the assessment and/or collection procedures described in this chapter. Applications for exemptions shall be filed in the office of the clerk on forms provided and shall be granted or denied by the clerk. The household for which the exemption is being requested must be the primary residence of the applicant and garbage collection service must be registered in the name of the applicant requesting the exemption. As proof of eligibility for exemption, applicant shall provide a certified copy of the most recent year's income tax returns for which the exemption is being requested. If applicant and/or any resident of applicant's household are exempt from filing yearly income tax returns, each shall be required to submit a sworn statement declaring such, and shall additionally provide a current statement of benefits received from social security, and current bank statement. All applications for exemptions must be filed between January 1 and January 31 each year the exemption is being requested. No applications received after January 31 shall be accepted. All exemptions shall be in place for a 12 month period. Renewal of exemption shall not be automatic. Applicant shall grant permission for the agents of the city to investigate any or all parts of the information provided on the application by means of signing said application for exemption.
- (c) It shall be unlawful for any person to willfully misrepresent any information or make any false statements for the purpose of receiving an exemption or maintaining an exemption. Pursuant to the Code of Alabama, 1975, § 22-27-7 violation of any provision of this article shall be a misdemeanor and any person firm or corporation found guilty shall upon conviction be punished by a fine of not less than \$50.00 nor more than \$200.00.

Sec. 7.5-17. - Recycling.

- (a) It shall be unlawful for any person or entity to deposit, place or leave any item in a container marked for recyclable materials other than the following allowed items: junk mail, magazines, clean cardboard boxes, office paper, newspaper, aluminum cans, steel and tin cans, and #1 and #2 plastic bottles. No other items may be placed in a container marked for recyclable materials, including the following non-exhaustive list of prohibited items: plastic bags, Styrofoam, glass, phone books, trash and any item made with #3, #4, #5, #6 or #7 plastic.
- (b) A violation of this section shall carry the following penalty:
- (1) *First offense.* A first offense shall carry a fine of \$150.00 plus court costs.
 - (2) *Second offense.* A second offense shall carry a fine of \$250.00 plus court costs.
 - (3) *Third offense.* A third offense or more shall carry a fine of \$500.00 plus court costs and incarceration in the city jail for a mandatory minimum 48-hour period.
- (c) Recycling services will be provided weekly.

Sec. 7.5-18. - Solid waste operators.

(a) *License required.*

- (1) It is unlawful for any person to operate or cause any other person to operate a motor vehicle upon a public street within the city for the purpose of removing solid waste from a commercial property or construction debris from a residential property located within the city's corporate limits for compensation unless the person that owns or controls the motor vehicle has a valid commercial waste operator's license issued by the city.
- (2) To obtain a commercial solid waste operator's license, application must be made on forms provided by the city for that purpose along with the application fee. The application requires that the applicant:
 - a. State the name under which the operator conducts business, the business address and telephone number;
 - b. State the make and body of each motor vehicle to be used in the city;
 - c. Submit proof of liability insurance for the motor vehicles in the amounts required by state law;
 - d. By submitting the application agrees to abide by and be bound by the provisions of this article and to comply will all the other state and federal laws applicable to the licensee's activities; and
 - e. Submit any other information reasonably required by the city to administer this article.
- (3) Upon proper application, a commercial solid waste operator's license will be issued in the name of the person or entity responsible for the operation of the motor vehicles used for commercial solid waste collection in the city. The license is valid for one year, unless earlier revoked.
- (4) The city clerk or his/her designee may revoke a commercial solid waste operator's license for any violation of this article giving the license prior written notice of the violation and an opportunity to respond in person as to why the license should not be revoked.

(b) *License fee.*

- (1) Each person or entity granted a license under this article must pay a license fee equal to four percent of the operator's gross revenues from the collection, hauling, or transporting of commercial or industrial solid waste collection within the city, after excluding there from the revenues licensee received from the collection, hauling, or transporting of recycled solid waste collection within the city.
- (2) Each licensee must pay the required license fee quarterly to the city within 45 days following each September 30, December 31, March 31, and June 30. Each quarterly payment must be computed on the revenues for the quarter preceding that in which payment is due. Each licensee must provide with each quarterly payment a statement of the gross revenues upon which the payment is computed, prepared according to generally accepted accounting practices, and signed by an authorized representative of the licensee. The licensee must pay a late fee of 12 percent per annum, compounded daily, on any quarterly payment, or portions thereof, that is paid subsequent to the required payment date.
- (3) Each quarterly payment must be accompanied by a listing of the location and number of commercial containers serviced by the licensee by the licensee in the city.
- (4) The city may inspect and audit the licensee's records upon which payments to the city are computed and paid. If the city's inspection or audit shows that the licensee has underpaid an amount required to be paid under this article, licensee must pay the deficiency within 60 days of the date the city gives licensee written notice of the deficiency. If the deficiency is more than 10 percent of the amount the licensee was required to pay for the quarter, the licensee must also

pay a penalty of 10 percent per annum of the deficiency and the city's reasonable cost incurred for the inspection or audit.

- (5) The city's acceptance of a payment is not deemed to be a release or an accord and satisfaction of any claim the city may have for further and additional sums made payable under this article. The city is not liable to refund to the licensee any payment licensee makes to the city that is more than amount required to be paid by the licensee under this article.

(c) *License regulations.*

- (1) All licensees must identify each vehicle the licensee operates within the city by placing clearly legible letters identifying the name of the person or business responsible for the operation of the motor vehicle.
- (2) A licensee must notify the city of any change in the information submitted in an application for a license, including a change in the name, address or telephone number of the licensee. The notification must be given to the city in writing within ten days of the change.
- (3) It is unlawful for any person to operate or use a motor vehicle to unload or empty a solid waste container by means of a mechanical lifting apparatus or device attached to the motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. of the following day, if the container is located within 400 feet of a residential property.
- (4) All garbage must be transported in leak proof containers or in leak proof vehicle bodies or compartments and must be so fitted and constructed so that the garbage is kept covered at all times except when being loaded and emptied.

(d) *Suspension or revocation of license.*

- (1) The city may suspend or revoke a license under this article for a violation of this article in accordance with the uniform permit procedures of this Code.
- (2) A fine of \$500.00 may be imposed on any person or entity that unlawfully operates or uses a motor vehicle to unload or empty a solid waste container by means of a mechanical lifting apparatus or device attached to the motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. of the following day, if the container is located within 400 feet of a residential property.