



12.16 - Large waste receptacle.

No person or business leasing to or from another, emptying, transporting or removing large waste receptacles ("receptacles") are to place or allow for placement of Receptacles in any public right-of-way (street, alley, highway, sidewalk, or any other public way), or on private property within the City without first obtaining a permit from the City.

- (1) Definition. "Large waste receptacle" is any container larger than 96 gallons in volume placed outdoors and designed to receive, transport, or dump waste including, but not limited to, household, construction, demolition debris and landscaping waste.
- (2) Application. Applications for large waste receptacle permits shall be obtained from the City. Each owner of such receptacle, or of the property served, and each person engaged in the business of leasing, emptying, transporting, or removing said receptacles as well as the owner of the property served shall be jointly and severally responsible to fill out a separate application for each receptacle and said permit shall be valid for the period of time specified thereon not to exceed 30 days. Written extensions for an additional 30 days may be granted, for good cause shown, by the Building Inspector.
- (3) Fees. The permit fee for each receptacle placed within the City is as follows:
 - (a) Regular Permit. Allowed for 30 days: \$75.00.
 - (b) First Extension. Allowed for additional 30 days: \$150.00.
 - (c) Final Extension. Allowed for final 30 days: \$225.00.
- (4) Placement. The applicant will be responsible for the following with regard to placement:
 - (a) The applicant will provide for the placement of 2 lit barricades on either end for receptacles placed in the street or alley.
 - (b) It shall be the responsibility of both the entity that owns the receptacle and the applicant to ensure safe and legal placement and maintenance of the receptacle, in accordance with this section.
 - (c) The location of the receptacles shall not:
 1. Block any building's means of ingress or egress.
 2. Block any fire lanes, handicap spaces, hydrant, or pedestrian walkways.
 3. Be within 50' of any intersection.
 4. Obstruct a driver's view of traffic signs or signals.
 - (d) Receptacles may not be placed on or nearby to service any single property for greater than 90 days in any 12-month period.
 - (e) The Building Inspector, Public Works Operations Manager, Police Chief or their designees may deny a permit if he/she determines that the proposed location of the receptacle in a street or public right-of-way restricts traffic conditions or public safety response.
- (5) Use. Upon approval of the application, payment of the permit fee, and the filing or completion of all additional requirements, the following requirements shall be observed and enforced throughout the duration of the receptacle's use.
 - (a) All receptacles shall exhibit a clear and legible demarcation of owner of the receptacle, contact information, address and a contact phone number.
 - (b) All receptacles located on private property do not require a permit but are still subject to the conditions established in subsection (4) Placement and subsection (5) Use.
 - (c) All project sites shall be free of all loose debris such as cans, metal, plastic, paper, scrap lumber, drywall, demolition debris, and other materials commonly found on construction related sites.

- (d) All receptacles shall be delivered or emptied in a timely fashion so as to prevent the overflow of debris or litter, and only between the hours of 7:00 a.m. and 8:00 p.m. Receptacles intended for use during construction shall not be delivered more than one week prior to beginning construction.
 - (e) The Building Inspector or his/her authorized designee shall have the right to grant exceptions to this section on a case-by-case basis where such exception does not threaten the quiet enjoyment or health, safety, and welfare of the public at large.
- (6) Assumption of Risk/Hold Harmless. The holder of any receptacle permit shall by the terms of the permit assume all risk of bodily injury or property damage to the permit holder and any/all third parties and indemnify and hold the City harmless against any and all claims, suits, or demands of any kind whatsoever which arise directly or indirectly, in whole or in part, from the placement, use, maintenance or transport of the receptacle.
- (7) Exceptions.
- (a) The provisions of the code section shall not apply to commercial dumpsters required pursuant to Section 11.06(14) of the Elkhorn Municipal Code.
 - (b) The provisions of the code section shall not apply to commercial dumpsters that are used in conjunction with new building construction and/or extensive building renovation whenever in the judgment of the Building Inspector, placement and use of a dumpster for a period of more than 90 days is a reasonable condition associated with project activities. In such circumstances, the dumpster may remain on-site throughout the duration of the project or until the expiration of the building permit issued for the project, whichever occurs first. This exemption notwithstanding, the Building Inspector may order dumpster to be removed when; in the judgment of the Inspector, reasonable progress toward project completion is not demonstrated by the activities on site. (Ord. No. 15-01, § 1, 2015; Ord. No. 12-16, § 1, 2013.)