

Sec. 102-152.3. - Screening. (d)Commercial refuse containers.

(1) For the purposes of this section, "commercial refuse container" shall mean any receptacle, including but not limited to, roll off containers and dumpsters, used for the collection and disposal of refuse, trash, or garbage which is located on premises that are used for income producing purposes, excluding single-family dwellings and duplexes. Except as provided by subsection (d)(1)a., all commercial refuse containers located in all districts shall comply with the following minimum standards:

a. *Location.* No commercial refuse container shall be located within a required front yard. A commercial refuse container located within a required side yard or required rear yard that is adjacent to a street right-of-way shall be located a minimum distance of 20 feet from such street right-of-way. No commercial refuse container shall be located in the street or street right-of-way, nor on or blocking any sidewalk, alley, or driveway except as provided by subsection [102-152.3\(d\)\(1\)a.](#)

b. *Foundation.* All commercial refuse containers shall be placed on an impervious surface constructed of reinforced concrete not less than five and one-half inches thick.

c. *Screening.* All commercial refuse containers that are visible from a public street or street right-of-way shall be screened from view with exterior wall finishes compatible in architecture, design, and color with the main building or structure located on the property, or a stockade fence constructed of cedar or redwood with capped galvanized iron posts, set in concrete. The commercial refuse container screening devices herein provided must be firmly fixed together on all sides and be accessible with doors and gates which shall remain closed.

d. *Access driveways.* All access driveways to commercial refuse containers shall be constructed of reinforced concrete not less than seven inches thick or of equivalent materials and strength.

e. *Disrepair.* A commercial refuse container's screening wall or fence shall not be open, damaged, or in a state of disrepair. Disrepair shall mean a condition which is found to exist as a result of decay, physical damage, destruction, abuse, or unsightliness.

f. *Cleanliness.* Commercial refuse containers shall be kept in a clean, sanitary condition and in good mechanical repair. All lids, closure devices, and sleeves for lifting commercial refuse containers shall at all times be repaired and maintained in good order. In addition, the screened area where the commercial refuse container is used, maintained, or operated shall be kept free of debris and rubbish at all times.

g. *Signage.* No signage of any kind shall be permitted on a commercial refuse container screening device.

h. *Food service establishments.* A hot water supply shall be provided within 100 feet of a commercial refuse container located on the premises of a food service establishment.

i. *Exemption.* Temporary placement of a commercial refuse container on a lot during construction on the lot shall be exempt from the requirements of this section upon receiving a permit from the building official. An application for a permit for a commercial refuse container on a lot during construction on the lot must be accompanied by a permit fee, the amount of which shall be as established by the city council. Temporary placement of a commercial refuse container on a lot adjacent to a road construction project shall be exempt from the requirements of this section so long as the road adjacent to such lot is

under construction. No permit or fee is required for the temporary placement of a commercial refuse container on a lot adjacent to a road construction project.

*j. Affirmative defenses.*

1. It shall be a defense to prosecution under subsection (d)(1)a. if a commercial refuse container, existing on the date of adoption of this section, is located in a required yard and there is insufficient area on the lot to locate the commercial refuse container in any other area.
2. It shall be a defense to prosecution under subsection (d)(1)b. if a commercial refuse container, existing on the date of adoption of this chapter, is placed on a concrete surface of any thickness.
3. It shall be a defense to prosecution under subsection (d)(1)d. if the access drive to a commercial refuse container, existing on the date of adoption of this chapter, is constructed of concrete of any thickness.

(2) Placement of refuse container storage areas must allow the collection vehicle maneuvering room to avoid backing into a street or other traffic area.



**Masonry Refuse Container Screening**

(e) *Maintenance easements.* Wall/screening maintenance easement at least five feet in width shall be dedicated to the home owners association on the private lot side and adjacent to the entire length of the screening wall or device for maintenance and repair of the screening wall. If there is no active home owners association, the maintenance of the wall shall be the responsibility of the property owner on which the wall is located.

(f) *Installation.* The screening/wall shall be installed prior to final acceptance of the subdivision public improvements. Failure to properly install all components of a required screening wall within the prescribed time frame shall constitute a violation of this chapter, and shall authorize the city to refuse acceptance of the subdivision public improvements.

(g) *Design of walls.* All wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the city. Use of chainlink, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited for meeting the requirements of this section.

(h) *Height of screening.* The height of required screening devices, including spans between columns, shall be a minimum of eight feet, decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum height by up to two feet for a total maximum height of ten feet for these features.

(i) *Other easements.* Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the city and by any other applicable utility provider(s).

( [Ord. No. 1089](#), § 1, 6-28-2017)