

CHAPTER 22 – SOLID WASTE

Sec. 22-16. License revocation

(a) each license granted by the city shall state that a licensed solid waste contractor understands and shall agree that failure to comply with any time and performance requirements as stipulated in this chapter and the license will result in damage to the city, and that the city may revoke the license as provided by this chapter. Further the city may revoke the license for any of the following violations:

- (1) commission of a prohibited practice set forth in section 22-15 of this code.
- (2) Failure to provide solid waste collection services within the time specified in the license.
- (3) Failure to properly restore the public right-of-way or to correct related violations of specifications, code, or standards after having been notified by the city to correct such defects;
- (4) failure to cure any violation of section 22-15, following notice and an opportunity to cure pursuant to the provisions of that section; and
- (5) any other action or non-action by the licensed solid waste contractor, as agreed upon between the city and licensed solid waste contractor, and set forth in the license.

(b) Before proceeding with a revocation hearing, the city manager shall make a written demand that the licensed solid waste contractor comply. If a violation by the licensed solid waste contractor continues for a period beyond that set forth in the written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the city council appointed hearing officer may revoke the license.

(c) If the city manager concludes that a licensed solid waste contractor is in violation of this code or the conditions of the license, the city manager may order one or more of the following:

- (1) find that licensed solid waste contractor is in violation of the terms of the license, order corrective action and may recommend foreclosure on all or any appropriate part of the letter of credit.
- (2) In the case of a material violation recommend that the city council appointed hearing officer terminate the license, provided that the city council may take action on any such recommendation only after a public hearing.

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(3) Shall temporarily revoke the license effective twenty days from the date of the revocation order. The revocation shall be served by certified mail to the licensed solid waste contractor and shall set forth the nature of the violation. The licensed solid waste contractor shall, within twenty (20) days of receipt of such notice:

(a) respond to the city in writing, contesting the city's assertion of violation and providing such information or documentation as may be necessary to support the licensed solid waste contractors's position; or

(b) cure any such violation (and provide written evidence of the same), or, if, by the nature of the violation, such violation cannot be cured within such twenty (20) day period, take reasonable steps to cure said violation and diligently continue such efforts until said violation is cured. Licensed solid waste contractor shall report to the city, in writing, at thirty (30) day intervals as to licensed solid waste contractor's efforts, indicating the steps taken by licensed solid waste contractor to cure said violation and reporting the licensed solid waste contractor's progress until such violation is cured.

(c) If the licensed solid waste contractor contests the city's revocation, within fifteen (15) days the city shall schedule a hearing. During this time, the temporary revocation order shall be stayed.

(d) If the city manager determines that licensed solid waste contractor has committed a violation, the determination shall be accompanied by a detailed statement of reasons for the determination, including findings of fact.

(e) The decision of the city manager shall become final unless licensed solid waste contractor requests a public hearing before the a hearing officer appointed by the city council within fifteen (15) days of its receipt of the statement of reasons and findings of fact by the city manager.

(Ord. No. 96-30, 6/4/96, Enacted)