

CHAPTER 15

Garbage and Refuse

Article 1 General Provisions

- Sec. 15-1-10 Definitions
- Sec. 15-1-20 Accumulation and deposit of garbage
- Sec. 15-1-30 Accumulation of refuse
- Sec. 15-1-40 Unlawful deposit of refuse
- Sec. 15-1-50 Use of containers by nonresident persons
- Sec. 15-1-60 Placement for collection
- Sec. 15-1-70 Removal of refuse
- Sec. 15-1-80 Construction site building materials
- Sec. 15-1-90 Abatement of nuisances
- Sec. 15-1-100 Burning
- Sec. 15-1-110 City disposal site; ownership of contents; entering, etc.
- Sec. 15-1-120 Caretaker
- Sec. 15-1-130 Collection, transportation
- Sec. 15-1-140 Charges established
- Sec. 15-1-150 Collection
- Sec. 15-1-160 Penalties for violation

ARTICLE 1

General Provisions

Sec. 15-1-10. Definitions.

For the purpose of the provisions of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Garbage consists of dead animals of not more than ten (10) pounds weight each, kitchen and table refuse and offal, swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruits, goods or vegetables. The term *garbage* does not include dishwasher or wastewater or the offal of slaughterhouses.

Refuse shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material, and all rubbish of any kind or nature whatsoever and any other materials commonly known as rubbish or refuse of any kind or character or by any means known. For the purpose of the provisions of this Chapter, the term *refuse* shall also include presently unused and inoperable automobiles and machinery, parts, stoves, scrap metal, furniture, wool, hides, junkyard refuse and all other matter or materials of like kind. The definition of refuse shall not include that material theretofore defined as garbage. (Prior code 13-1; Ord. 1110 §1, 2010)

Sec. 15-1-20. Accumulation and deposit of garbage.

No person shall deposit or place any garbage in such a manner that the same is or tends to become a nuisance or in such manner as to endanger or tend to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any garbage to be accumulated thereon in such a manner that the same tends to become a nuisance or in such a manner as to endanger the public health. No person shall in any manner throw, place, scatter, deposit or bury any garbage, in or upon his or her own premises, or the premises of another or any public place, or upon any street or alley except properly within authorized containers as provided in this Article. (Prior code 13-2; Ord. 1110 §1, 2010)

Sec. 15-1-30. Accumulation of refuse.

Any accumulation of refuse as that term is hereinabove defined on any premises in the City, improved or unimproved, is prohibited and unlawful and is hereby declared to be a nuisance and a municipal misdemeanor. Each day any violation of this Section continues shall be deemed a separate offense. (Prior code 13-3; Ord. 1110 §1, 2010)

Sec. 15-1-40. Unlawful deposit of refuse.

It shall be unlawful for any person having refuse in the City to throw or deposit the same, or cause the same to be thrown or deposited upon any street, alley, gutter, park or other public or private place in the City except in a City waste or refuse container, unless such person shall first notify the City Manager or his or her duly authorized deputy and arrange for its disposal upon terms agreeable to the City Manager or his or her

deputy. Each day any violation of this Section continues shall be a separate offense. (Prior code 13-4; Ord. 1110 §1, 2010)

Sec. 15-1-50. Use of containers by nonresident persons.

(a) For the purpose of facilitating the removal and disposal of refuse and garbage, securing proper sanitary conditions and regulating the disposal of garbage and refuse and the loading and transportation of the same over the public streets and alleys of the City, every owner or occupant of any house, hotel, restaurant, building, apartment, tenement or store within the City having garbage or refuse for disposal shall place all garbage and refuse for pickup and disposal in automatic loading and dumping containers or Dumpsters provided by and placed or located by the City in the streets and alleys, and in no other containers or types of containers. Tree limbs and branches and sticks of trees and shrubs shall be completely trimmed and cut to such length as to fit completely within such containers.

(b) Any person violating the provisions of Subsection (a) above shall be punished as for any other violation of this Article as provided in Section 15-1-160 of this Article.

(c) It shall be unlawful and an offense for any resident of the County or the City to bring into the City and place for disposal, in any public or private Dumpster or container, or in any other place, any garbage or refuse which has been collected or accumulated outside the City or produced from any activity carried on or occurring beyond the territorial limits of the City.

(d) Any person violating the provisions of Subsection (c) above shall be punished by the assessment of a penalty of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). In any case in which a violation of Subsection (c) above is alleged, all questions of fact and law and the penalty to be assessed in accordance herewith shall be heard and decided by the Municipal Judge and there shall be no trial by jury. (Prior code 13-5; Ord. 1102 §2, 2010; Ord. 1110 §1, 2010)

Sec. 15-1-60. Placement for collection.

(a) The City shall place the refuse and garbage containers provided by the City at such locations in the streets, alleys and places in the City as it shall determine, and it shall be unlawful and a municipal misdemeanor for any person to remove a container or Dumpster, to change its location from that established by the City or to use the same in any manner or for any purpose except for the deposit of garbage and refuse as provided in this Article.

(b) Provisions for service of rollout containers.

(1) Service of rollout containers shall normally occur two (2) times per week.

(2) Rollout containers shall be placed for service as follows:

a. For those customers serviced from the street and receiving curbside service, refuse containers are to be placed at the curb after 4:00 p.m. the night before the day of the collection and no later than 7:00 a.m. on the day of collection.

b. Rollout containers must be removed from the collection point not later than 8:00 p.m. the day of collection.

- c. Rollout containers must be placed directly to the right or left of the driveway at the curb line.
- d. Rollout containers must be placed on a level surface, with a minimum of two (2) feet from each other. Where a residence does not have a driveway, the rollout container shall be placed at least four (4) feet from the curb.
- e. Rollout containers must be placed with the rollout wheels set to the curb.
- f. Refuse shall not be placed in the street or on the sidewalk, or in any manner that it will interfere with vehicular or pedestrian traffic.
- g. All contents shall fit securely in the container so as to not cause the opening between the rim and the lid of the container to be greater than a forty-five-degree angle. All materials above the rim of the container must be bagged to prevent spillage. The occupant may be required to obtain an additional container at the discretion of the City Manager when excess waste is generated frequently.
- h. The combined weight of each container and its contents shall not exceed three hundred thirty-five (335) pounds.

(c) Violations. It shall be unlawful for any customer to place a container at the curb prior to 4:00 p.m. the night prior to the day of the collection or to fail to remove a container from the public right-of-way by 8:00 p.m. on the day of collection.

(d) Continuing violations. Each and every day any violation of this Code or any other ordinance, rule or regulation of the City continues shall, unless otherwise provided, constitute a distinct and separately punishable offense. (Prior code 13-6; Ord. 1110 §1, 2010)

Sec. 15-1-70. Removal of refuse.

Unused and inoperable motor vehicles and machinery, parts of such motor vehicles and machinery, stoves, furniture, wool, hides, junkyard refuse and all such refuse as shall be too large for the containers hereinabove provided in Section 15-1-50 above shall be removed by the owner or occupant from such respective properties so that the premises are clean and orderly at all times. The accumulation of any such refuse on any premises in the City, improved or unimproved, is prohibited and is hereby declared to be unlawful and to be a nuisance. (Prior code 13-7; Ord. 1110 §1, 2010)

Sec. 15-1-80. Construction site building materials.

It shall be the sole responsibility of the owner of the premises to see to the removal of all refuse created in the process of constructing, reconstructing or wrecking any building or part of building, fence or sidewalk or other improvement upon the premises. (Prior code 13-8; Ord. 1110 §1, 2010)

Sec. 15-1-90. Abatement of nuisances.

Whenever the deposit, keeping or accumulating of garbage, refuse or both shall constitute a nuisance as hereinabove provided, the City, by its City Manager, shall immediately notify the owner of such property, his or her agent or any person having charge of such property, in writing, ordering the removal of any such refuse or garbage from the property or premises. Thereafter, if such garbage or refuse shall not be removed in accordance with the requirements of such order, the City Council may order that the same may be

removed by the City, or its designated agent, and assess the cost thereof against the property or premises. The amount assessed shall constitute a lien upon such property until the same is paid; provided that in case of failure to pay such assessment within thirty (30) days after the same shall be made, the City Manager shall cause the notice of such assessment to be given to the owner of such property by publishing in a newspaper in the City for two (2) successive weeks; which publication shall contain a notice to such property owner of the amount assessed against his or her property and shall designate a time and place when the City Council will hear any objections as to the adjustment and correctness of the amount so assessed. If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, the City Manager shall certify such amount to the County Treasurer, to be placed by him or her on the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by law. (Prior code 13-9; Ord. 1110 §1, 2010)

Sec. 15-1-100. Burning.

(a) Except as permitted pursuant to the laws and regulations of the State, it is unlawful to set on fire or burn any combustible waste or material of any kind by incinerator burning or by open burning.

(b) It is unlawful to set on fire or burn in any fireplace, stove, boiler, furnace or machine, equipment or device of any kind:

- (1) Any garbage, rubbish or waste material, or any hay or grass clippings.
- (2) Any rubber materials and compounds and plastics and plastic materials and compounds.
- (3) Any wood treated with creosote or a creosote compound or similar wood preservative.
- (4) Any other combustible material, the burning of which produces noxious or malodorous gases. (Prior code 13-10; Ord. 1110 §1, 2010)

Sec. 15-1-110. City disposal site; ownership of contents; entering, etc.

All garbage and refuse in and upon the disposal site owned or under the control of the City, together with all matter whatsoever deposited or existing thereon, shall be the property of the City and no person shall enter upon such sites or carry off, dispose of, burn or in any manner disturb or molest any matter or thing deposited or existing upon such sites, except under direction or authority of the City Manager. (Prior code 13-11; Ord. 1110 §1, 2010)

Sec. 15-1-120. Caretaker.

The City Manager may hire, with the approval of the City Council, a caretaker of City dumps and dump grounds, who will care for and keep the same. He or she shall destroy animal and vegetable matter, rats, paper, manure and other refuse as shall be directed by the City Manager. (Prior code 13-12; Ord. 1110 §1, 2010)

Sec. 15-1-130. Collection, transportation.

(a) The City Council may enter into a contract or agreement with any person for the collection and removal of garbage or refuse properly sorted, prepared and placed for collection throughout the City or any

part thereof, or it may, at its discretion, make provisions for the collection and removal of garbage and refuse throughout the City, or a part thereof, by its own employees or agents.

(b) All garbage shall be collected and removed by employees of the City or persons under contract with the City for that purpose. No person except the employees of the City or persons under contract with the City for that purpose shall collect any garbage within the City or shall convey any garbage through any street, lane, road, alley or public highway of the City.

(c) It shall be unlawful for any person to transport or carry, or cause to be removed, transported or carried, through, on or along the streets and alleys of the City, any garbage, dead animals or carcasses or other matter offensive to sight or smell except in watertight cans or vehicles, trucks or trailers having iron beds or boxes with proper covers, so that the garbage or other matter shall not be offensive. Such garbage or other matter or materials shall be loaded so that none of it shall fall, drip or spill on the ground. (Prior code 13-13; Ord. 1110 §1, 2010)

Sec. 15-1-140. Charges established.

Charges for the collection and removal of garbage and rubbish shall be as from time to time established by resolution of the City Council. (Prior code 13-14; Ord. 1110 §1, 2010)

Sec. 15-1-150. Collection.

Each charge levied pursuant to the provisions of this Article shall be charged against the property owner, or with the consent of the owner, any tenant in possession of the premises. All charges so levied shall be a lien upon the property served from the date the same became due until paid. In addition to the right to discontinue such service, upon the failure or refusal of any owner or tenant of property to pay when due the charges or penalties levied pursuant to this Article, the City Manager may, after ten (10) days' written notice to the owner of the property, certify such unpaid charges to the County Treasurer, to be placed by him or her on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) of the amount thereof and penalties due thereon in addition thereto to defray the cost of collection. The lien of such delinquent charges and penalties when so certified by the City Manager as aforesaid shall be on a parity with the lien of the general taxes on the property. (Prior code 13-15; Ord. 1110 §1, 2010)

Sec. 15-1-160. Penalties for violation.

Except for a violation of the provisions of Subsection 15-1-50(c) of this Article for which a specific penalty is provided, any person who violates the provisions of Sections 15-1-10 through 15-1-130 of this Article, who does an act therein declared to be unlawful or who fails, neglects, omits, resists or refuses to comply with the provisions thereof or with a lawful order given pursuant thereto, or any of the regulations or requirements thereof, shall be punished by the assessment of a penalty in accordance with the provisions of Section 1-4-10 of this Code. In any case in which a violation of the provisions of this Article is alleged, all questions of fact and law and the penalty to be assessed in accordance herewith shall be heard and decided by the Municipal Judge, and there shall be no trial by jury. (Prior code 13-16; Ord. 1102 §2, 2010; Ord. 1110 §1, 2010)