

CHAPTER 14

Solid Waste

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ARTICLE I

In General

Sec. 14-1. Definitions.

For the purposes of this Chapter, the following terms shall have the meanings ascribed to them below, unless the context clearly requires another interpretation:

Commercial wastes. All solid wastes generated by stores, hotels, markets, offices, restaurants, warehouses and other nonmanufacturing activities, excluding community and industrial wastes.

Community wastes. All solid wastes generated by the noncommercial and nonindustrial activities of private individuals, including solid wastes from households, yards, streets, sidewalks and alleys.

Construction debris. Any and all materials of any kind, including without limitation plaster, wallboard, lumber, nails, screws, bricks, blocks, roofing material, pipes, ducts, wire or packaging materials, used in, stored for or resulting from the demolition, construction, repair or reconstruction of any building or other improvement.

Garbage. Solid wastes that contain organic matter capable of being decomposed by microorganisms.

Industrial wastes. All solid wastes, including mill tailings and mining wastes, resulting from the manufacture of products or goods by mechanical or chemical processes that are not a hazardous waste regulated under 6 CCR § 1007-3.

Litter. Rubbish, waste material, refuse, garbage, trash, debris or other waste or discarded material, solid or liquid, of every form, size, kind and description.

Owner. Any person who owns, occupies or controls a specific lot or parcel of real property. For the purposes of this Chapter, *owner* shall include a tenant and any other person having the lawful right to occupy or exert control over the use of such property and who is responsible for the maintenance or repair of such property.

Solid wastes. Any garbage, refuse or other waste or discarded material, including solid, liquid, semi-solid or contained gaseous materials resulting from industrial operations, commercial operations or community activities. *Solid waste* does not include construction debris.

Solid Wastes Manager. The official designated from time to time by the City Council to administer and enforce the solid waste regulations of the City.
(Ord. 8 §1, 2006)

Sec. 14-2. Transportation of solid wastes.

(A) It is unlawful for any person to transport solid wastes in the City unless the same is in a sealed container or in a receptacle complying with the requirements of this Chapter, or in a vehicle equipped with a collection receptacle constructed of durable, impermeable material free from structural damage and leaks, and which is covered or enclosed so as to prevent odors from escaping. Any person who transports solid wastes shall be responsible to clean up any solid wastes which spill during the transfer of the same to such person's vehicle or which spill, leak or otherwise escape from such vehicle.

(B) It is unlawful for any person to operate any solid waste collection, transportation or disposal business in the City without first obtaining a business or trade license therefor as required by Article IX of Chapter 9 of this Code.

(C) All vehicles used for the commercial collection or transportation of solid wastes in the City shall be equipped with a collection receptacle constructed of durable, impermeable material, free from structural damage and leaks, and shall have a cover or be enclosed so as to prevent odors from escaping. All such collection vehicles shall be kept clean and sanitary.
(Ord. 8 §1, 2006)

Sec. 14-3. Trash accumulation and removal.

(A) It is unlawful for any owner to throw, leave, deposit, store or accumulate solid wastes upon such owner's premises, or permit the same to be left, deposited, stored or accumulated, or to remain upon such premises except in containers meeting the requirements of Section 14-5 below. Notwithstanding the foregoing, leaves and lawn clippings may be accumulated in plastic bags, provided that such bags are securely fastened at the top and shall not be ruptured or torn; and tree limbs may be cut to lengths of less than four (4) feet and tied in bundles not to exceed three (3) feet in diameter.

(B) It is unlawful for any owner to cause or permit the accumulation of solid wastes upon such owner's premises in such a manner that the same becomes unsightly or generates offensive odors or creates a health hazard. Except as provided in Section 14-5(F) below, accumulated solid wastes shall be removed from all premises not less frequently than once every calendar week.

(C) The owner of any premises whose solid waste container storage area is visible from a parking lot accessible to or available for use by the public or from any public street or sidewalk shall be required to enclose such area with a fence or other barrier that screens the same from view from such parking lot, street or sidewalk.

(D) It is unlawful for any person to cause or permit solid wastes to blow or to be carried by water from such owner's premises onto public property or property owned by another person.

(E) Cooking oil, grease, motor oil, waste fuel, biological and medical waste, brewery waste, hazardous waste and any other special waste specified by the Solid Wastes Manager as requiring special containerization or regulated by state or federal law shall be disposed of and contained only in containers designed and manufactured to contain and transport such special waste, or which conform with applicable requirements of state or federal law.

(F) The owner shall be responsible for maintaining the containers serving such owner's premises and the area in which they are located, and shall promptly clean up any solid wastes which spill out of such containers during transfer to a vehicle or which are placed outside the containers while awaiting removal. Any person engaged by such owner to remove accumulated solid wastes shall also be responsible to clean up any solid wastes which spill during the transfer of the same from the container to the transport vehicle.

(Ord. 8 §1, 2006)

Sec. 14-4. Container requirements; permits required.

(A) Every owner shall have, and at all times maintain in good order and repair, sufficient containers meeting the requirements set forth below for the accumulation of solid wastes on such owner's premises.

(B) Containers shall be specifically designed for such purpose and shall:

- (1) Be made of impervious, watertight material that does not permit solid wastes to leak or spill;
- (2) Have a tight-fitting, insect and rodent resistant cover, and not permit access by rodents, dogs or other animals; and
- (3) Have a suitable handle or handles on the outside.

(C) Containers shall be covered at all times except when wastes are being placed therein. They shall not be over-filled so as to prevent the cover from closing as designed or permitted to overflow.

(D) Containers shall be kept only on private property, except that containers smaller in size than one-hundred-gallon capacity may be placed on sidewalks, at the edge of the alley or at the curb after 7:00 p.m. on the day before scheduled pick-up and must be removed by 7:00 p.m. the day of pickup.

(E) Roll-off containers having a capacity of three (3) cubic yards or larger shall be used only upon issuance of a permit therefor by the City. The permit shall be valid for one (1) year from date of approval. Such permit shall be obtained from the City Clerk after a complete application has been made, a fee collected, as set forth in the City's fee schedule, and approval of the proposed location of such container is made by the Solid Wastes Manager. The application shall be a joint application of the owner and the person providing the container. The application and permit shall clearly state where the container will be kept, which place shall be obscured from the public view and how

frequently solid wastes will be removed therefrom. Such permit shall be subject to revocation, following notice and an opportunity for hearing, for violation of any condition of the permit.

(F) Containers having a capacity of three (3) cubic yards or greater shall be emptied within one (1) business day after being filled, and shall be covered and shielded, fenced or secured in such a way as to restrict access by children. (Ord. 8 §1, 2006)

Sec. 14-5. Permit for use of public property.

(A) The City may by written permit authorize the use of City property for the accumulation and collection of commercial wastes to serve businesses whose location and circumstances make it impractical to accumulate their solid wastes on premises.

(B) Any such permit shall specify the area subject to the permit; name each business authorized to use the area for the accumulation and collection of wastes; require a periodic fee as set forth in the City's fee schedule for use of the area; require each authorized business to be jointly and severally liable and responsible to the City for the maintenance and upkeep of the permitted area, including fencing or other enclosure; and require the permittee to keep the area clean, free of debris, food stuffs, grease, leaking liquids and other waste matter, as well as securely locked and covered to prevent use or access by unauthorized persons.

(C) The Solid Wastes Manager shall administer and enforce the permit provisions of this Section. Any permit hereunder shall be issued on a calendar year basis and shall expire at the end of the calendar year in which it is issued, subject to annual renewal. Such permit shall be subject to revocation, following notice and an opportunity for hearing, for violation of any condition of the permit. (Ord. 8 §1, 2006)

Sec. 14-6. Construction debris.

(A) Construction debris shall be managed and controlled in such a manner as not to be scattered about by the wind or otherwise. Any container used for the accumulation of construction debris shall be covered so as to prevent debris or dust from blowing out except when construction debris is actually being put into or removed from it.

(B) Containers having a capacity of three (3) cubic yards or greater which are used for construction debris may be placed in the public right-of-way, in public parking lots or in other public places by special permit.

- (1) Such permit shall be issued after application to the City Clerk is approved by the Solid Wastes Manager with the concurrence of the Chief of Police. The application shall be jointly executed by the building contractor or owner and the company providing the container. A fee as set forth in the City's fee schedule shall be collected for such permit.
- (2) Such permit shall state specifically where the container shall be placed.
- (3) Such permit shall be required and all conditions of this Chapter apply, notwithstanding that the building contractor provides its own container.
- (4) The length of time such container may be in the right-of-way shall be determined at the time of the approval of the application.
- (5) Such permit shall be subject to revocation, following notice and an opportunity for hearing by the Solid Wastes Manager, for violation of any condition of the permit. The decision of the Solid Wastes Manager shall be the final determination of the City.

(Ord. 8 §1, 2006)

Sec. 14-7. Accumulation and use of manure.

Commercially prepared and chemically treated manure may be used for fertilizing. Otherwise, manure shall not be kept or permitted to accumulate for a period longer than forty-eight (48) hours on any property for any purpose. (Ord. 8 §1, 2006)

Sec. 14-8. Enforcement; abatement.

(A) Any violation of this Chapter may be prosecuted as an offense in Municipal Court.

(B) Any violation of this Chapter which occurs or continues is hereby declared to be a public nuisance, and, in addition to utilizing any other available remedy, the City may, but shall have no obligation to, abate such nuisance in accordance with Chapter 16 of this Code.
(Ord. 8 §1, 2006)

Sec. 14-9—14-20. Reserved.