

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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17-101. Definitions. As used in this chapter the following words and phrases shall have the meanings ascribed to them in this section:

(1) "Ashes" shall include the waste products from the burning of coal, wood and other fuels from residences or business.

(2) "Business" or commercial premises shall include, but not be limited to, wholesale and retail commercial establishments and establishments that provide services, all including, but not limited to, professional offices, restaurants, markets, schools, medical clinics, houses of worship, motels, hotels, campgrounds, overnight rental structures, garages, automotive service stations and, in general, all premises that are not residential or agricultural.

¹Municipal code reference

Property maintenance regulations: title 13.

(3) "Collector" shall mean any person or entity that collects, transports or disposes of garbage and waste.

(4) "Collectible garbage and waste" (sometimes referred to as "garbage and waste") shall be the garbage, refuse, rubbish or solid waste as is defined herein that the town shall collect. The town shall not collect ashes, housing appliances or furnishings, sewage (human or animal body wastes), automobile parts, motor oil, tires, machinery, tree leaves, limbs and branches, grass clipping, wood, stone and plastic debris from demolition or construction sites, plumbing fixtures, industrial by-products, dead animals, toxic materials or other similar items.

(5) "Director" shall mean the town administrator or chief executive officer of the town or other person who may be specifically designated by the mayor and board of aldermen to be in charge of garbage and waste collection, hauling off and disposal.

(6) "Garbage" shall include all putrescible wastes (except sewage--human or animal body wastes, vegetable and animal offal and carcasses of dead animals) from residences or businesses. Likewise excluded are recognizable industrial by-products. (See subsection (12).)

(7) "Person" shall mean any and all entities, natural and artificial, including any individual, firm, association, partnership, corporation, company or other business organization, agency of any municipal corporation, agency of any county government, agency of any state government, or agency of the United States government.

(8) "Refuse" shall include garbage, rubbish, ashes and all other putrescible or nonputrescible substances, combustible or non-combustible materials, products from the preparation, cooking or consumption of food, waste from the handling and sale of food supplies or produce, and similar sewage (human or animal body wastes) and recognizable industrial by-products. (see number 12)

(9) "Residential" shall mean a private dwelling used as an abode or a unit in a multiple family dwelling used as a permanent abode. An "overnight rental" structure or unit specifically is not a residential premises.

(10) "Rubbish" shall include all nonputrescible waste materials, except ashes, and does not include liquid or solid hazardous waste. (See subsection (12).)

(11) "Solid waste" shall mean garbage, refuse or other discarded solid materials, including, but not limited to, materials resulting from residential, commercial or agricultural operations, but does not include solids or dissolved material in sewage or materials in water resources such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants or other liquid or solid hazardous waste.

(12) The terms "garbage," "refuse," "rubbish" and "solid waste" may on occasion be interchanged in this chapter. (2000 Code, § 17-101)

17-102. Garbage collection. The town government through its employees or through its agents shall regularly remove collectible garbage and waste from residential and commercial premises within the corporate limits of the town, haul off the collectible garbage and waste and cause it to be disposed of, all at the direction of the director who shall establish the dates, times and methods of collection. Accordingly, the collector shall have the right to enter onto the premises of persons in the town in a reasonable manner to collect garbage and waste. (2000 Code, § 17-102)

17-103. Garbage accumulation unlawful. It shall be unlawful for any persons to allow any premises they own or are in possession of to accumulate with garbage, refuse, rubbish, solid waste or other waste product. Collectible garbage and waste shall be stored in closed, sanitary containers (plastic bags, cans, dumpsters or others) as described in this chapter for regular removal by the collector. Other waste products shall be removed and disposed of by the owner or person in possession of the premises without allowing the same to accumulate. (2000 Code, § 17-103)

17-104. Garbage disposal in town unlawful. It shall be unlawful for any persons to deposit, or permit to be deposited, any garbage, refuse, rubbish, solid waste or any other waste products on their own premises or on any premises in their possession or under their control or deposit such materials in any back lot, vacant lot, public ground, park, alley, street, floodplain, stream, ditch, storm sewer, areaway or in any other place within the town except as is provided specifically in this chapter. (2000 Code, § 17-104)

17-105. Garbage containers required. Each owner, occupant, tenant, subtenant, lessee or other person using or occupying any residence or business premises on which garbage and waste are apt to accumulate shall provide an adequate number of containers of a type approved by the director for the storage of the collectible garbage and waste until it is removed by the collector. (2000 Code, § 17-105)

17-106. Container type. The director shall designate the type, size, strength and other particulars of the containers used on all premises.

(1) All can containers contemplated by this chapter shall be made of metal or other approved impervious material. No such can shall be larger than thirty-two (32) gallons in size or capacity. All such cans shall have a securely and tight fitting removable top. All such cans larger than ten (10) gallons in size and capacity shall be equipped with two (2) handles, one (1) handle on opposite sides thereof. The combined weight of any manually handled can and its contents shall not exceed fifty (50) pounds. (The maximum capacity shall not apply to mechanically handled cans). In no case shall the number of cans exceed

four (4) per residence or place of business per week. All plastic bags within the container must be securely tied.

(2) A commercial container ("dumpster")--or more if necessary--shall be provided on a premises, whether residential or commercial, that needs more than four (4) cans or bags per week, these dumpsters being provided by the owner of the premises or the person in possession all at his, her or their expense. Excepted from this provision, however, are residential multifamily building of ten (10) units or less, which premises shall be treated per unit of abode, i.e., each unit shall not have more than four (4) containers per week. (2000 Code, § 17-106, as amended by Ord. #316, May 2022 *Ch1_08-18-22*)

17-107. Unlawful to use dumpster belonging to another. It shall be unlawful for any person to use a dumpster belonging to others unless their user has the owner's expressed permission in writing. (2000 Code, § 17-107)

17-108. Container location. Garbage and waste containers shall be placed in a convenient, accessible location for the collector, the designation of placement being made by the director. Before building permits shall be issued for new construction or remodeling of commercial building, multifamily buildings or other premises that shall require dumpsters, the location of the dumpsters shall be shown on the plats or plans and shall provide for convenient collection. No certificate of completion shall be issued until such a convenient location has been approved by the director. (2000 Code, § 17-108)

17-109. Dumpster placement. The director shall have the power to require an owner or occupant of a premises that must have a dumpster or dumpsters to have an adequate concrete pad constructed on which they shall be placed. (2000 Code, § 17-109)

17-110. Other provisions remain in effect. No provision in this chapter shall alter municipal code § 13-101. Accordingly all residential and commercial owners and occupants of premises in the town shall continue to comply with § 13-101. (2000 Code, § 17-110)

17-111. Containers shall be well maintained. It shall be unlawful for an owner of a container to allow his or her container to remain in an unmaintained or unclean condition so as to cause offensive odors or to cause the breeding of flies or other unsanitary condition. (2000 Code, § 17-111)

17-112. Defective or unclean containers. Upon giving the owner reasonable notice, the director or his or her agent shall have the power to confiscate and remove containers that are in such an unmaintained or unclean condition as to cause offensive odors or to cause the breeding of flies or when the containers are otherwise unfit and unsanitary as to endanger the public or

become a nuisance. Thereafter the director may dispose of the container at his or her discretion after again giving the owner reasonable notice. (2000 Code, § 17-112)

17-113. Littering around or damaging containers unlawful. It shall be unlawful for a person to litter by scattering garbage or waste of any kind whatsoever around a container, whether his or her own container or the container of others, or to overfill a container so as to cause it to overflow, and it shall be unlawful to damage a container. "Litter" means knowingly or negligently to place, throw or pile garbage or waste around a container or to overfill a container so as to leave the area in an unsightly or unsanitary condition. "Damage" means the denting or burning a container, placing graffiti thereon or in any other way defacing a container. (2000 Code, § 17-113)

17-114. Scavenging unlawful. It shall be unlawful for any person to remove or to attempt to remove materials from the containers or another person, this being known herein as "scavenging." All material placed in a container for the purpose of collection by the town are the property of the town. (2000 Code, § 17-114)

17-115. Special conditions. (1) While the town is not responsible for the collection of tree leaves, limbs, branches, or grass clippings, the director may from time to time arrange for such materials to be collected and removed, this being in the sole discretion of the director.

(2) The director, likewise, may make arrangements to collect other items that are not "collectible garbage and waste" from time to time, this being in the sole discretion of the director. (2000 Code, § 17-115)

17-116. Collector may not enter into private buildings. The collector shall not enter into any privately owned residential or commercial buildings in order to collect and remove garbage and waste. (2000 Code, § 17-116)

17-117. Violations and penalty. Any person or entity violating this chapter shall be deemed guilty of a civil offense and upon conviction thereof shall be fined not more than fifty dollars (\$50.00), and any violation may be charged on a daily basis. (2000 Code, § 17-117, modified)