

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. UNIFORM REFUSE DISPOSAL.

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17-101. Definitions. (1) The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.

(2) The term "refuse" shall mean all solid wastes, except body wastes, and shall include garbage, ashes, and rubbish (trash).

(3) The term "rubbish" shall include waste paper, tin cans, broken ware, discarded shoes and clothing, bottles, grass cuttings, or nonputrescible solid wastes. The term "rubbish" shall not include debris from construction or repair work, trees or tree trimmings, bricks or rocks, or any other waste that is

¹Municipal code reference

Property maintenance regulations: title 13.

likely to cause damage to the equipment of the city, injury to its employees, or is likely, because of the nature, size, or weight of the material, to cause undue hardship on the collector.

(4) The term "collector" shall mean any person, firm, or corporation that collects, transports, or disposes of any refuse within the corporate limits of the City of Athens.

(5) The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(6) The term "person" shall include any natural person, association, partnership, firm, or corporation.

(7) The singular shall include the plural; the masculine shall include the feminine and the neuter. (1972 Code, § 8-101)

17-102. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Athens are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, fifth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in § 17-104 of this code between intervals of collection or to dispose of such material in a manner prescribed by the city manager, the city health officer or the supervisor of the city sanitation department so as not to cause a nuisance or become injurious to the public health and welfare. (1972 Code, § 8-102)

17-103. Accumulation and storage of refuse. (1) Each owner, occupant, tenant, subtenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of Athens where refuse materials and substances, as defined in this chapter, accumulate or are likely to accumulate, shall provide an adequate number of approved containers for the storage of such refuse except business and industrial establishments using city-owned receptacles as described in § 17-104, paragraph three (3).

(2) All refuse shall be drained free of liquids before disposal.

(3) "Garbage" (including animal waste) shall be wrapped in paper or similar material.

(4) All cans, bottles, or other food containers shall be free of food particles and drained before disposal.

(5) "Rubbish" shall be (1) placed in approved containers, or (2) cut and baled, tied, bundled, stacked, or packaged so as not to exceed thirty-six inches (36") in length and fifty (50) pounds in weight.

(6) "Leaves" shall be collected on a nonscheduled basis without additional charge to the regular refuse collection fees. Leaves must be placed in windrows adjacent to the curb or the street right of way. In no case may windrows of leaves be extended more than six (6) feet back from the curb line or street right of way.

(7) "Ashes" that have been exposed to the weather and are completely free of fire or smoke may be placed in regular containers. "Hot" ashes that may result in damage to refuse packers, containers, or may result in injury to the collectors shall not be placed in containers. (1972 Code, § 8-103)

17-104. Containers (tote carts). (1) Residential refuse containers (tote carts) shall be issued by the City of Athens for use in the city's automated collection system at each residence where refuse and rubbish is generated and refuse and rubbish collection normally occurs. The City of Athens will not pick up garbage in privately owned containers or tote carts. Refuse containers shall likewise be issued by the City of Athens to certain business establishments. These containers are owned by and will be replaced by the City of Athens if they become damaged due to normal wear and tear. When the user associated with a collection site, whether a residence or business, relocates from the collection site, the refuse container shall be returned to public works as the container is not the property of the owner of a residence or business to which the container was assigned. Each refuse container shall be equipped with tight fitting lids or covers to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow events. The lids or covers shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by the collector.

(2) Refuse containers shall be maintained in good order and repair. They shall be placed in the location shown by the City of Athens and failure to place it in the right place, obstructing the container by placing it too close to an object, not bagging garbage placed in the container, over loading the container, or placing improper materials in the container shall be reason for the container to be passed up for that week.

(3) Business and industrial establishments shall deposit, in city-owned refuse receptacles provided for multiple use, all refuse from their establishments in the receptacle assigned to them. They shall break down or nest all cardboard boxes prior to depositing them in the receptacles. Business and industrial establishments utilizing the city-owned receptacles are exempt from the requirements in § 17-104, paragraph one (1).

(4) Business and industrial establishments not served by a city-owned dumpster shall be provided with city owned tote cart sufficient in number of containers to fully contain all refuse accumulated between collection periods. They will be limited to three (3) containers and any user which would generate more garbage than the three (3) tote carts will hold will be required to use dumpster services.

(5) Refuse containers must be located outside of buildings. They shall be placed where they will not become a traffic or fire hazard and will be accessible to city sanitation employees.

(6) The user at each collection site shall place the refuse containers or other solid waste adjacent to the street; curb side, side walk and/or alley. City

issued waste containers, including refuse containers (tote carts) shall not be placed adjacent to the street, curb side, side walk and/or alley for more than twenty-four (24) hours prior to any regularly scheduled collection or for more than twenty-four (24) hours after collection occurs, to inhibit and prevent theft and vandalism of the city-owned containers and to keep city streets, curb sides, sidewalks and/or alleys free from obstacles. If a city issued and owned container is vandalized or stolen, the assigned user at the collection site must file a police report within forty-eight (48) hours of the theft or vandalism. Provided the theft or vandalism is reported within forty-eight (48) hours thereof, and the theft or vandalism occurred during the time the container is permitted to be located at the street, curb side, sidewalk, and/or alley for collection, the container will be replaced by the City of Athens through its public works department. It shall be the responsibility of the user at the collection site to provide the public works department with a copy of the police report. In the event it is determined that the theft or vandalism occurred due to the user not removing the refuse container from the street, curb side, sidewalk, and/or alley within twenty-four (24) hours of collection, the resident will be responsible for the costs to replace the container for failure to timely remove the container from the street, curb side, sidewalk and/or alley. (1972 Code, § 8-104, as amended by Ord. #905, Dec. 2002, and replaced by Ord. #982, Feb. 2010)

17-105. Refuse not to be collected unless properly stored. In no case will it be the responsibility of the city sanitation department to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, packing material, etc., except as prescribed in § 17-103(5). (1972 Code, § 8-105)

17-106. Refuse from construction, demolition, or repairs. In no case will it be the responsibility of the city sanitation department to collect refuse resulting from construction, demolition, or repairs of buildings, structures, or appurtenances. The property owner/contractor, or the person having same in charge, shall be responsible for the disposal of such refuse. (1972 Code, § 8-106)

17-107. Unlawful to burn. It shall be unlawful for any person, firm, or corporation to burn refuse on private or public property within the corporate limits of the City of Athens without first obtaining a permit from the fire department. (1972 Code, § 8-107)

17-108. Dumping in streams, sewers, and drains prohibited. It shall be unlawful for any person, firm, or corporation to dump refuse in any form into a stream, ditch, storm sewer, sanitary sewer, or other drain within the corporate limits of the City of Athens. (1972 Code, § 8-108)

17-109. Disposal of refuse by city. All refuse accumulated in the City of Athens shall be collected, conveyed, and disposed of by the city's sanitation department. No person shall convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the City of Athens, except as noted in § 17-110. All refuse shall be disposed of in the city at the city's sanitary land fill or other sites approved by the city. (1972 Code, § 8-109)

17-110. Disposal of refuse other than by city. Actual producers of refuse, including residential, commercial, and business establishments, or the owners of premises upon which refuse has accumulated, may convey and dispose of such refuse provided they agree to comply with the requirements of the city code concerning contractors, etc., and the point of disposal, and apply for a permit granting them the right to collect, convey, and dispose of the refuse. Applicants for this type of private disposal permit will not be exempt from paying the minimum disposal charges as provided in § 17-113 of this code. (1972 Code, § 8-110)

17-111. Collection practices. (1) Residential points of collection.

(a) Refuse containers shall be placed for collection at ground level on the property at the curb line where collection is made unless the subscriber has made arrangements to place the refuse container at another point and has so advised the city sanitation department of the location.

(b) Persons served by an alley abutting the property of the person shall place refuse containers as near as possible to the alley line but not more than five (5) feet from the alley line on the day of collection service.

(c) Persons with unpaved or graveled driveways not capable of accommodating a refuse vehicle shall place refuse containers as near as possible to the street right-of-way or curb line on the day of collections.

(d) The City of Athens will not be responsible for driveways, shrubbery, down spouts, lawns, etc., damaged while in the process of entering the premises for the purpose of collecting refuse. It shall be deemed lawful to enter the premises for the purpose of removing refuse unless the person being serviced objects to the collection equipment entering the premises and advises the city sanitation department in writing of the objection.

(2) Commercial or business points of collection. (a) Placement of containers other than city-owned receptacles shall comply with § 17-104 of the city code.

(b) Commercial or business firms disposing of refuse under the provisions of § 17-110 may be permitted to place containers at places upon their premises by agreement of the contractual party or to suit the

needs of the person responsible for the removal of refuse. (1972 Code, § 8-112)

17-112. Frequency of collection. (1) Refuse collection shall be made in the residential districts on regular scheduled routes so as to provide one (1) collection per week for each residence subscriber.

(2) Refuse collection shall be made in commercial or business areas as frequently as needed to prevent the occurrence of nuisances and public health problems in the City of Athens. (1972 Code, § 8-113)

17-113. Refuse collection and/or disposal service charges.

(1) Institutional, professional, industrial, fraternal, commercial or business establishments operated within the City of Athens shall pay a minimum monthly fee as determined by city council and adopted through its annual budget, plus an additional amount for receipt of services as determined by the department of sanitation. However, businesses operating out of their residences or vehicles may be eligible for a credit of one hundred percent (100%) for the service as determined by the supervisor of the city's sanitation department.

(2) All residences within the City of Athens shall pay a minimum monthly fee for residential refuse service as determined by city council and adopted through its annual budget. Those residents needing more than one (1) container as determined by the city will pay the minimum rate set by the city council plus additional charges based on the number of additional containers and shall not be eligible for tax relief services. However, those citizens who qualify for property tax relief and citizens who would otherwise qualify for property tax relief but do not own their residences, and who use only one (1) city issued container will be eligible for a credit of one hundred percent (100%) for the service.

(3) The city council may establish service boundaries limiting the daily refuse pickup service to customers within the boundaries. Proper notice may be given to customers outside the boundaries by publishing a map in a local newspaper on three (3) successive days in sufficient notice that the service cannot be provided on a daily basis. (1972 Code, § 8-114, as amended by Ord. #777, June 1993, Ord. #805, June 1995, Ord. #917, April 2004, and replaced by Ord. #982, Feb. 2010)

17-114. Method of collecting service charges. (1) Institutional, professional, industrial, fraternal, or commercial service charges shall be billed through procedures prescribed by the city manager. A penalty of five percent (5%) per month on the unpaid balance shall be imposed and collected on all delinquent refuse accounts.

(2) Commercial, industrial, institutional, professional, fraternal, and business establishments and contractors (including demolition waste) electing

to utilize a privately licensed waste hauler must provide evidence of a paid invoice on a quarterly basis to the City Sanitation Foreman for the minimum billing to be waived. If proper evidence is not provided, minimum billing along with any penalties are due to the city.

(a) The City of Athens may elect to deny waste collection to commercial, industrial, institutional, professional, fraternal, and business establishments and contractors (including demolition wastes) due to waste being hazardous, causing damage to city equipment or inadequate equipment to properly handle the waste.

(3) All institutional, professional, industrial, fraternal, commercial, and business establishments and contractors requiring special handling or special rates due to unusual situations that prevent the charges from being placed on the utility statement will be billed and collected by the director of finance. (1972 Code, § 8-115, modified, as amended by Ord. #805, June 1995, and Ord. #917, April 2004)

17-115. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1972 Code, § 8-116)

17-116. Collection under supervision of city manager. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city manager shall designate. Collections shall be made regularly in accordance with an announced schedule.

Quantities of tree limbs and debris, etc., equivalent to a full trailer load (20 cu. yd.) or more shall be deposited for collection only after approval and direction of the city manager or his designee. For this extra disposal service, the applicant shall pay thirty dollars (\$30.00) per trailer load or fraction thereof. (1972 Code, § 8-117, as amended by Ord. #917, April 2004)

17-117. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1972 Code, § 8-118)

17-118. Violations. Any person, firm, or corporation who shall violate any of the provisions of this chapter or who fail or refuse to obey any notice or order issued by the health officer or the supervisor of the city sanitation

department with reference to the storage, accumulation, or disposal of refuse as set forth in this chapter shall be guilty of a misdemeanor.

Any person, firm or corporation that uses the facilities and does not comply with § 17-114 and/or pay for the use of the storage containers provided by the city to the various institutional, professional, industrial, fraternal, commercial or business establishments shall be guilty of a civil offense. (1972 Code, § 8-119, as amended by Ord. #794, July 1994)