

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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17-101. Definitions. (1) "Refuse" means solid waste.

(2) "Solid Waste" is unwanted or discarded waste materials in a solid or semi solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, appliances, furniture, special wastes, industrial wastes, and demolition and construction wastes, excluding "bulk rubbish."

(3) "Bulk rubbish" means wooden and cardboard boxes, crates, appliances, furniture, bedding, and other refuse items which by their size and shape cannot be readily placed in town approved containers.

(4) "Construction waste" means materials from construction, demolition, remodeling, construction-site preparation, including but not limited to rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials.

(5) "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural, institutional or agricultural establishment, office or professional building, shopping center, multiple business complex, commercial housing facility, church, club or other similar organization.

(6) "Commercial establishment" is any business, industrial, institutional or agricultural establishment, office or professional building, shopping center, multiple business complex, commercial housing facility, church, hospital, club or other similar organization.

¹Municipal code reference

Property maintenance regulations: title 13.

(7) "Commercial housing facility" is a structure or grouping of structures, apartment complex, or mobile home park which contains more than four (4) dwelling units.

(8) "Garbage" means all household wastes, including but not limited to food waste, bottles, wastepaper, tin cans, clothing, small mechanical parts, small dead animals, and rubbish, excluding tree limbs, shrubbery trimmings, leaves, construction waste, human or animal excreta of fecal matter, large dead animals, large mechanical parts, and "bulk rubbish."

(9) "Yard wastes" means grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials.

(10) "Residential garbage" means garbage resulting from the operation and maintenance of dwelling units, excluding commercial housing facilities.

(11) "Residential housing facility" is a single structure containing four (4) dwelling units or less and not operated as a part of a commercial housing facility. (Ord. #7-26-88, July 1988)

17-102. Administration. (1) The utilities supervisor or his designee shall have the authority to make and modify regulations as necessary concerning days of collection and such other matters pertaining to the collection, transporting and disposal of solid waste.

(2) The board of mayor and aldermen may levy charges for the collection, transportation and disposal of any form of solid waste.

(3) The utilities supervisor or his designee shall be responsible for the enforcement of these regulations. (Ord. #7-26-88, July 1988)

17-103. Regulations governing residential service. (1) Collection procedures; general regulations. (a) "Residential garbage" intended for collection by the town shall be placed in a plastic bag or a container no larger than 32 gallons in size. Frequency of collection for residential housing facilities is three (3) times per week.

(b) On the scheduled day of collection all plastic bags and containers must be placed at the edge of the street, curb or other designated location approved for pick up. Containers shall be placed in such a location and manner as to be readily accessible with town collection equipment. Containers must not be placed in a location for pick up so as to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance.

(c) Containers shall be placed for collection no earlier than 7:00 P.M. on the day before collection and no later than 7:00 A.M. on the day of collection. Plastic bags and containers are not permitted to remain at the curbside collection point later than 7:00 P.M. on the day of collection.

(d) Leaving containers at curbside except during the period specified for collection, or not otherwise secured, constitutes neglect by the occupant/property owner.

(2) Yard waste, bulk rubbish, and other refuse. (a) Placement of brush for collection. All brush (tree limbs, shrubbery and hedge trimmings, etc.) must be placed at the edge of a street or serviceable alley easily accessible with town collection equipment. No item of yard waste placed out for disposal shall be placed on top of water/gas meters or valves, piled against utility poles, guy wires, fences or structures, or any item which could be damaged by collection equipment.

(b) Piling of brush for collection. All brush shall be neatly stacked in an unscattered manner. Small trimmings should be stacked on top of larger ones with butt ends pointed in the same direction. Brush collections shall not be made where they are loosely scattered.

(c) Separation of refuse. No items of refuse may be mixed with brush trimmings. Mixing wire, metal, lumber, brick, rock, dirt or similar items with brush trimmings is prohibited by landfill regulations and collection shall be limited to separated items. Mixing leaves and grass clippings with other brush is also prohibited.

(d) Length and size of brush. Tree trunks, stumps, and limbs larger than four (4) inches, as measured across the diameter of the butt end, shall not be collected by the town. All tree limbs longer than twelve (12) feet in length must be cut in half and stacked as required.

(e) Grass clippings and leaves. All leaves and grass clippings collected by the town shall be placed in plastic bags or other disposable containers.

(3) Prohibited substances and practices. (a) The following substances are hereby prohibited and shall not be deposited in approved containers serviced by the town garbage collection equipment:

(i) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.

(ii) Any material that could be hazardous or injurious to town employees or which could cause damage to town equipment.

(iii) "Construction waste."

(iv) Hot materials such as ashes, cinders, etc.

(v) Human or animal waste, unless it is placed and secured in a plastic bag or suitable paper bag.

(b) No person, other than the occupant/user, may move, remove, upset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage container.

(c) Wet kitchen waste shall not be placed in a container unless it is secured in a plastic bag before doing so.

(4) Premises to be kept clean. It shall be unlawful for any person or persons owning, leasing, occupying or having control of property within the

corporate limits, regardless of whether such property is vacant or contains structures thereon, to permit the accumulation of garbage, refuse, hazardous waste, or other desirable materials thereon. It is the responsibility of the individual(s) having control of residential housing facilities, to maintain the container(s) and the surrounding area in a clean, neat and sanitary condition at all times.

(5) Refuse generated through private enterprise. The Town of Pikeville shall not be responsible for the collection and disposal of construction waste, bulk rubbish, brush or any other forms of solid waste generated or produced by contractors, tree trimmers, or persons doing work for profit or personal gain, nor will any such collection of refuse be made from lot or land clearing projects including remodeling or alterations of homes or businesses or such other private projects or improvements.

(6) Bulk rubbish (junk) service. Except during a special town/county-wide spring cleanup campaign, bulk rubbish service will be performed on a convenience of service basis. This service shall be initiated by calling the public works department. A log book of requests for bulk rubbish pick up will be maintained in the public works office. When crews can be made available for this service the log book will be referred to and collections will be made on a first-called, first-served basis. Bulk rubbish shall not be placed at the street for collection until the customer is notified when collection will be made.

(7) Self-help program. The utilities supervisor or his designee shall have the authority to establish a reasonable self-help program for residents who have unusual amounts of refuse, or unusual circumstances which would prevent them from hauling or disposing of refuse themselves. (Ord. #7-26-88, July 1988)

17-104. Regulations governing commercial service.

(1) "Commercial solid waste" intended for collection by the town shall be placed in a town approved container. After the date of adoption of these regulations, the owner or developer of all "commercial establishments" including "commercial housing facilities" within the Town of Pikeville shall at their expense supply commercial waste containers suitable for handling the volume and type of waste generated. The container size and type shall be determined by the utilities supervisor or his designee.

(2) Commercial containers may be jointly used by two or more commercial establishments when it is determined to be in the cost effective interest of the town.

(3) The town will service commercial containers as needed but not to exceed five (5) times per week. The board of mayor and aldermen shall establish rates governing refuse collection services for commercial accounts.

(4) Containers shall at all times be kept in a place easily accessible to town equipment. No service shall be given those establishments permitting objects, obstructions, or vehicles to hinder in any way whatsoever the servicing of the containers.

(5) The utilities supervisor or his designee may establish a special collection district based on the density of commercial facilities, such as the downtown area, and provide a unified service for said district. The utilities supervisor or his designee shall submit district boundaries to the board of mayor and aldermen for approval.

(6) The owner/user of all commercial containers shall be responsible for the sanitary maintenance, structural maintenance and the replacement of the containers.

(7) The utilities supervisor or his designee may, based on high volume-high density of solid waste generated, approve a container/system that would require special handling by other than town owned equipment, at owner's expense, if it is determined to be in the cost effective interest of the town or the town is unable to provide suitable service.

(8) Nothing in this section shall prohibit commercial establishments from removing their own solid waste or from contracting with a private collector for such removal provided said private collector shall have a valid permit or license to do business within the town.

(9) The owner or developer of commercial, industrial, or institutional facilities, such as regional malls, shopping centers, hospitals, medical centers, commercial housing facilities, and other major developments shall be required to show methods of handling solid waste and locations of all solid waste containers and handling equipment on an approved site plan to the utilities supervisor or his designee prior to beginning construction.

(10) Premises to be kept clean. It shall be unlawful for any person or persons owning, leasing, occupying or having control of property within the corporate limits, regardless of whether such property is vacant or contains structures thereon, to permit the accumulation of garbage, refuse, hazardous waste, or other undesirable materials thereon. It is the responsibility of the individual(s) having control of commercial housing facilities, and commercial establishments to maintain the container(s) and the surrounding area in a clean, neat and sanitary condition at all times.

(11) Prohibited substances and practices. (a) The following substances are hereby prohibited and shall not be deposited in approved containers serviced by the town garbage collection equipment:

- (i) Flammable liquids, solids or gas, such as gasoline, benzine, alcohol or other similar substances.
- (ii) Any material that could be hazardous or injurious to town employees or which could cause damage to town equipment.
- (iii) "Construction waste."
- (iv) Hot materials such as ashes, cinders, etc.
- (v) Human or animal waste, unless it is placed and secured in a plastic bag or suitable paper bag.

(b) No unauthorized person may move, remove, upset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage container.

(c) It is unlawful to place wet kitchen waste in a container, unless it is secured in a plastic bag before doing so. (Ord. #7-26-88, July 1988)

17-105. Violations. (1) Any person violating any of these regulations shall be served by the town with written notice stating the nature of the violation and providing a ten (10) days' time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently cease all violations.

(2) Any person who shall continue any violation beyond the time provided for in subsection (1) above shall be guilty of a misdemeanor and shall be punished under the general penalty clause of this code.

(3) Any person violating any of the provisions of these regulations shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation. (Ord. #7-26-88, July 1988)