

**TITLE 17**

**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE<sup>2</sup>**

**SECTION**

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**17-101. Applicability.** The following regulations governing refuse collection shall apply to each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure, or grounds with the corporate limits of the Town of Oakland where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

<sup>2</sup>Charges for solid waste collection and disposal services have been set by ordinance and are of record in the recorder's office.

**17-102. Definitions.** The following words and terms shall have the meanings indicated when used in this chapter:

(1) "Ashes." 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.

(2) "Bin." The term "bin" shall mean steel waste receptacles of not less than two (2) cubic yards and not more than eight (8) cubic yards designed for the storage of garbage. The containers shall be supplied by the collector, or if allowed, must meet the collector's standards for service.

(3) "Bulky waste." The term "bulky waste" includes discarded mattresses, box springs, stoves, refrigerators, water tanks, washing machines, furniture, and other waste materials not specifically designed for containers.

(4) "Building materials." Defined as materials of any type, kind or description, such as those customarily used in the construction, remodeling, or demolition of any dwelling or part thereof, or any outbuilding, such as garages or tool sheds. The terms "refuse," "garbage," and "rubbish" as provided in this chapter shall not include building materials.

(5) "Collector." The term "collector" shall mean any person, firm, corporation, or political subdivision which collects, transports, or disposes of any refuse within the corporate limits of the town.

(6) "Container." The term "container" shall mean the ninety-six (96) gallon container designed for the storage of garbage and supplied by the collector, or if allowed, must meet the collector's standard for service.

(7) "Enforcement officer." The town official or authorized representative charges with the responsibilities of enforcing the ordinance in title 17, including the building inspector, health officer, code enforcement officer, or other city official appointed or designated to enforce the provisions of this chapter.

(8) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products from all public and private residences and establishments.

(9) "Refuse." The term "refuse" as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, and all other putrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, wastes from the handling and sale of produce, and other similar unwanted materials, but shall not include sewage, body wastes, non-putrescible hazardous wastes, or recognizable industrial by-products, from all residences and establishments, public and private. Refuse shall mean and include garbage, and rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith.

(10) "Rubbish." The term "rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and establishments. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-103. Premises to be kept clean.** All persons, firms, and corporations within the corporate limits of the Town of Oakland are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, building materials, or bulky waste. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers or bins of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by enforcement officer so as not to cause a nuisance or become injurious to the public health and welfare. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-104. Storage.** Each owner, occupant, tenant, subtenant, lessee or other person using or occupying any building, house, structure, or grounds within the corporate limits of the town, or other responsible person using or occupying any building or other premises within this town, where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers or bins as required by the town or any approved solid waste contract with an outside collector. The refuse containers and bins shall be strong, durable, and rodent and insect proof. Such containers or bins shall also correspond with those requirements authorized by contracted collector, if applicable. No refuse shall be placed in a refuse container or bin until such refuse has been drained of all free liquids. Refuse must be in plastic bags designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top with total weight of bag and its contents not to exceed thirty-five (35) pounds. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom. Containers shall be maintained in a clean and sanitary manner and shall be cleaned by washing or other methods as necessary to prevent the breeding of insects and the occurrence of offensive odors. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-105. Tree and shrub trimmings.** All tree trimmings, dead trees, or branches thereof, grass cuttings, garden trimmings, weeds and roots from which all dirt has been removed shall be a maximum of five feet (5') in length and no more than five inches (5") in diameter to be collected under the town's services or contracted services. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-106. Location of containers and bags for collection.** Collections from residential units shall be picked up at the curb. Curbside refers to that

portion of right-of-way adjacent to paved or traveled town roadways, including alleys. Containers shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, containers and bags shall be placed as close as practicable to an access point for the collection vehicle. Where alleys are used by the town refuse collectors, containers shall be placed on or within six feet (6') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Containers shall be placed where collectors may pick up and empty same without attack from animals. Refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is and is not to be collected. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-107. 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. No person shall deposit refuse in a privately or publicly owned container or bin without the expressed written permission of the owner of said container or bin. No person shall remove or attempt to remove materials from any refuse container or bin belonging to another person or business. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-108. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of as directed by the enforcement officer under policies or contracts duly adopted by the board of mayor and aldermen including costs of such services. Collections shall be made regularly in accordance with an announced schedule. Collection fees are established by the board of mayor and aldermen by duly adopted ordinance and charged to all residential units. Collections fees for commercial units are also established, but commercial units may contract independently so long as all requirements of this chapter are met. Building materials or any refuse not meeting town's collector contract requirements are not services provided by the town. The town's contracted collector may provide private service pick-up for these items separately from the town's services and costs. Any additional billing for these services must be handled through the collector and the customer independently. (as replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-109. Confiscation of unsatisfactory storage containers.** The official refuse collecting department or subcontractor of the town is authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when the enforcement officer or contracted collector, if applicable, determines that such containers are

not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official refuse collecting department or subcontractor. (as added by Ord. #09.02.03, March 2009, and replaced by Ord. #11.11.02, Dec. 2011, and Ord. #14-10, Sept. 2014)

**17-110. Storage locations of containers or bins.** (1) The receptacle can either be designed or hidden into the scheme of structure or of the building itself in the side or rear yard; inside a garage or carport; or in an enclosed and screened fenced area in the side or rear yard. No trash receptacle should be stored any further out than the structure it is servicing.

(2) (a) On all commercial building sites with enclosed area for trash receptacles, the dumpsters or other trash receptacles shall be located behind the building and hidden from street view when it is possible to do so unless there is a conflict with the authorized collector. On all commercial building sites with no enclosed area for trash receptacles, the dumpsters or other trash receptacles shall be located behind the building and hidden from street view when it is possible to do so. The location of dumpsters or other trash receptacles, either enclosed or not enclosed, must allow for a twenty foot (20') wide fire lane wherever possible. Possible alternatives may be considered during site plan review by the approving and reviewing authority.

(b) Exception. In order to prevent littering, trash receptacles, not to exceed thirty-five (35) gallons, are allowed on all commercial properties for customer convenience to dispose of trash. These receptacles are to be maintained at the sole expense of the business providing the receptacle.

(3) All temporary dumpsters located at building construction sites and all dumpsters placed for the purpose of collecting recyclable material are exempt from all provisions of this section. (as added Ord. #11.11.02, Dec. 2011, and replaced by Ord. #14-10, Sept. 2014)

**17-111. Curbside garbage containers regulated.** (1) The ninety-six (96) gallon wheeled containers or any other such authorized containers are to be placed at the curb by 6:00 A.M. on the homeowner's scheduled collection day. The container is not to be placed on the road in such manner to impede the flow of traffic or safety of the public in general. If there is no curb at the residence than the container is to be placed at the end of the driveway or along the roadside.

(2) The containers are to be returned to a location in accordance with this chapter by 7:00 A.M. of the morning following the actual day of pickup.

(3) Exception; assisted services. In the event that the contract with the trash collection firm allows additional services, public works may authorize the firm to provide individuals with special needs or disabilities to receive

service without placing their receptacles by the roadway in accordance with collector contract, if applicable. (as added by Ord. #11.11.02, Dec. 2011, and replaced by Ord. #14-10, Sept. 2014)

**17-112. Notice to remove.** Upon the failure of any owner of property within the town to remove rubbish or refuse from his property and dispose of it in accordance with the law, it shall be the duty of the enforcement officer to serve notice on the owner of such property to clean the property within five (5) days of the service of such notice. Such notice may be served personally on the owner of the property, may be mailed to the last known address of such owner by registered or certified mail, posted on the property on which such refuse exists, or published in local newspaper for two consecutive weeks. Service of notice by any of the above methods shall be due notice to such owner. (as added by Ord. #11.11.02, Dec. 2011, and replaced by Ord. #14-10, Sept. 2014)

**17-113. No refuse to be collected unless properly stored.** In no case will it be the responsibility of the town or contracted collector of the town to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, or packing material that do not meet the provisions of this chapter or town's collector contract, if applicable. (as added by #14-10, Sept. 2014)

**17-114. Collection of garbage and refuse permits.** No person, firm, or corporation other than the town or contracted collector shall engage in the business of collecting refuse or removing the contents of any refuse container, or any purpose whatsoever, who does not possess a permit to do so from the code enforcement department. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permits may be suspended or revoked upon the violation of any of the terms of this chapter. (as added by #14-10, Sept. 2014)

**17-115. Collection vehicles.** The collection of refuse shall be by means of vehicles as established in collector contract, if applicable. (as added by #14-10, Sept. 2014)

**17-116. Disposal of refuse.** The disposal of refuse in any quantity by any person in any place, public or private, other than as directed by the terms of this chapter, is expressly prohibited. Dumping in streams, sewers, drains, roadways, rights-of-way, etc. is strictly prohibited. (as added by #14-10, Sept. 2014)

**17-117. Violations and penalty.** Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice issued by an enforcement officer, with reference to the storage, accumulation, or

disposal of refuse, shall be guilty of a misdemeanor and shall be subject to a fine under the general penalty clause for this code. Failure to carry out the provisions of this chapter shall be considered a misdemeanor subject to a fine not less than five dollars (\$5.00) or more than fifty dollars (\$50.00) with each day being a separate offense unless otherwise specified. (as added by #14-10, Sept. 2014)