

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE STORAGE AND COLLECTION.

CHAPTER 1

REFUSE STORAGE AND COLLECTION

SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept in sanitary condition.
- 17-103. Garbage containers.
- 17-104. Confiscation of unsanitary containers.
- 17-105. Trash - placement of containers.
- 17-106. Cardboard containers.
- 17-107. Construction debris.
- 17-108. Time and frequency of collection.
- 17-109. Requirements for collection vehicles.
- 17-110. Disposal of garbage, etc., after collection.
- 17-111. Permit required for private collection.
- 17-112. City functions.
- 17-113. Schedule of fees to be adopted.
- 17-114. Special collection services.
- 17-115. Billing of service fees.
- 17-116. Special rules, regulations, and charges authorized for certain refuse.
- 17-117. Exceptions.
- 17-118. Implementing authority of the public works director.
- 17-119. Accumulation of rubbish prohibited.
- 17-120. Weeds and grass.
- 17-121. Refuse not to be dumped in streams and other places.
- 17-122. Unlawful to deposit trash, etc., on streets, sidewalks, etc.
- 17-123. Health officer authorized to issue compliance orders.
- 17-124. Violations.

17-101. Definitions. (1) "Refuse." Garbage, rubbish, ashes, and all other putrescible and nonputrescible, combustible and noncombustible materials originating from the preparation, cooking and consumption of food, market refuse, waste from the handling and sale of produce and other similar unwanted materials, but shall not include sewage, body wastes, or recognizable industrial by-products from all residences and establishments public and private.

(2) "Garbage." 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.

(3) "Rubbish." All nonputrescible waste materials except ashes from all public and private residences and establishments.

(4) "Ashes." The waste products from coal, wood and other fuels, used for cooking and heating from all public and private residences and establishments.

(5) "Collector." Any person that collects, transports, or disposes of any refuse within the corporate limits.

(6) "Health officer." The health authority of the city or his authorized representative. (Ord. #627, Apr. 1992)

17-102. Premises to be kept in sanitary condition. All persons within the corporate limits are hereby required to keep their premises in a clean and sanitary condition, free from accumulation of refuse, offal, filth and trash. All persons are hereby required to store such refuse in sanitary containers of the type described by the health officer between intervals of collection or to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (Ord. #627, Apr. 1992)

17-103. Garbage containers. (1) Each owner, occupant, tenant, subtenant, leasee, or others, using or occupying any building, house, structure or grounds within the corporate limits where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the health officer, for the storage of refuse.

(2) All garbage shall be placed in approved cans. Each can shall be strong, durable and rodent proof and be equipped with a secured lid. They shall have a capacity of not less than 20 gallons nor more than 32 gallons. Plastic bags may be used but must be put in approved cans.

(3) Effective July 1, 1995, garbage not placed in approved cans as described above will no longer be picked up.

(4) Plastic bags may be used for city pick-up of yard waste (leaves, twigs and recyclables. (Ord. #627, Apr. 1992, as amended by Ord. #681, § 1, March 1995)

17-104. Confiscation of unsanitary containers. The official refuse collecting agency of the city is herein authorized to confiscate or to remove unsanitary storage containers from the premises of residences and establishments, public and private, when at the discretion of the health officer 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 in a manner designated by the official collecting agency only after the owner or owners of such containers have been duly notified of such impending action. (Ord. #627, Apr. 1992)

17-105. Trash - placement of containers. Where alleys are used by the city refuse collectors, containers shall be placed preferably on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed preferably adjacent to the back of the ditch or street line if there is no curb, at such times as shall be scheduled by the Department of Public Works for the collection of refuse therefrom.

As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection.

All loose trash, debris and refuse to be collected by the city street cleaning departments shall be placed within one or more covered containers to prevent the same from being scattered over the streets. Such containers shall be placed near the edge of the curb in business areas, so as not to interfere with the free passage of traffic on the sidewalks. (Ord. #627, Apr. 1992)

17-106. Cardboard containers. All cardboard containers not filled with loose trash or debris are to be broken down flat and tied together so as to make one flat package so that they may be less cumbersome and less dangerous to handle. Where they are collected from the front of a business establishment, they are to be placed near the curb in such a manner as not to interfere with the safe use of the sidewalk and/or street. (Ord. #627, Apr. 1992)

17-107. Construction debris. All rubbish, refuse, and debris from construction projects such as scraps of lumber, roofing material, bricks, cinder blocks, pipes, wires, glass, mortar, sand, dirt, and any other material associated with construction and repair of structures shall be completely removed from the site of construction to a place designated by the health officer for disposal at the expense of the builder or other person making the repairs or construction, and within two (2) days of the completion of such repair or construction. (Ord. #627, Apr. 1992)

17-108. Time and frequency of collection. All refuse (including garbage and rubbish) shall be collected with sufficient frequency to prevent the occurrence of nuisances as public health hazards at intervals of at least once in seven (7) days. The collection of refuse within the city shall be under the jurisdiction of the Department of Public Works. (Ord. #627, Apr. 1992)

17-109. Requirements for collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds. Collection vehicles shall not be allowed to enter upon private property unless approval is granted by the property owner and the director of public works. (Ord. #627, Apr. 1992)

17-110. Disposal of garbage, etc. after collection. The disposal of refuse in any quantity by any person in any place, public or private, other than the site or sites designated by the constituted authority of the city is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health, provided that such methods shall include the maximum practical, rodent, insect, and nuisance control at the place of disposal, and provided that no garbage shall be fed to swine unless said garbage has first been heated to at least 212°F, and held there for at least 30 minutes in apparatus and by methods approved by the health officer. Provided further that animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at 40 psi. steam pressure or higher, or similarly heated by equivalent cooking. (Ord. #627, Apr. 1992)

17-111. Permit required for private collection. No person shall engage in the business of collecting refuse or removing the contents of any refuse container (other than the owner of such containers) for any purpose whatsoever, who does not possess a permit to do so from appropriate authority of the city. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined by the health and sanitation board. Such permits shall be issued, suspended or revoked upon the violation of any of the terms of the chapter. (Ord. #627, Apr. 1992)

17-112. City functions. Except as otherwise herein provided only the city shall engage in the business of collecting, removing, or disposing of residential refuse within the corporate city limits. Only the city shall engage in the business of collection, removal or disposal of commercial or industrial refuse; however, when the volume or any condition is such that the department of public works personnel and equipment cannot provide normal garbage services, the governing body may elect not to collect and/or dispose of the refuse. In this event, the refuse producer shall be required to contract with a private firm, which must be approved by the city, to collect and dispose of the refuse. The refuse producer may collect and dispose of its own generated refuse, if approved by the city and if the refuse is disposed of, in accordance with local, state and federal regulations, at state permitted disposal facilities. Refuse collection and

disposal services provided by the city may be with its own forces or by contracts with private service providers. (Ord. #627, Apr. 1992)

17-113. Schedule of fees to be adopted. The city council shall establish a schedule of fees for collection by a simple motion and majority vote of the Winchester city council for removal and disposal of all refuse for residential and commercial establishments. A copy of the schedule of fees shall be kept in the city administrators office for public inspection. (Ord. #627, Apr. 1992)

17-114. Special collection services. The director of public works may provide other collection and removal services to meet unusual circumstances and conditions, in accordance with regulations and fees recommended by him and approved by the municipal governing body. (Ord. #627, Apr. 1992)

17-115. Billing of service fees. The service fee for collection, removal, and disposal of refuse by the city shall be included as a separate item each month on the bills rendered by the city for water service. The accounts shall be paid monthly at the same time the water bills are paid.

Water service shall be discontinued for failure to pay the refuse service fee by the delinquency date prescribed for the water bill.

All applicable fees for collection, removal and disposal of refuse shall be collected in the same manner as water charges.

In the case of premises containing more than one dwelling unit or place of business, and each is billed separately for water by the city, such fees shall be billed to each person in possession, charge, or control who is a water customer by the city. In the case of premises containing more than one dwelling unit or place of business which are served through a single water meter, so that the occupants cannot be billed separately by the city, the customer responsible for the water bill shall be liable for the refuse service fees for the premises. (Ord. #627, Apr. 1992)

17-116. Special rules, regulations, and charges authorized for certain refuse. Collection, removal, and disposal of the following types of refuse shall be subject to reasonable rules and regulations approved by resolution of the municipal governing body and special charges in accordance with the schedule of fees for refuse collection and disposal:

- (1) Building or construction debris.
- (2) Trees, tree trimmings, leaves, lawn clippings, etc.
- (3) Dangerous materials or substances such as poisons, acids, or caustics, or refuse which is highly infectious or combustible.
- (4) Junk automobiles, refrigerators, and other bulk items. (Ord. #627, Apr. 1992)

17-117. Exceptions. Nothing in this chapter shall prevent: (1) Any commercial refuse producer from collecting, removing, and disposing of his own refuse, provided he does so in such manner as not to create a nuisance, that all applicable local, state and federal regulations regarding refuse collection and disposal are complied with and provided further that he pays all applicable disposal fees.

(2) Any licensed junk dealer and/or organization, profit or non-profit, from collection refuse recognized as having salvage value, or that can be recycled or otherwise transformed into a usable substance, provided such dealer, or organization may collect such salvageable, or recyclable material only from premises where he has written invitation from the occupant.

(3) Any refuse producer or owner from selling or giving salvageable materials to licensed junk dealers for collection, removal, and disposal. (Ord. #627, Apr. 1992)

17-118. Implementing authority of the public works director. The collection, removal, and disposal of refuse from premises in the city shall be under the supervision and control of the public works director. He shall recommend to the governing body such reasonable rules and regulations, not inconsistent with the provisions of this chapter, as he deems to be necessary or desirable, which shall become effective when approved by resolution of the governing body. (Ord. #627, Apr. 1992)

17-119. Accumulation of rubbish prohibited. It shall be unlawful for any person in charge of any premises within the corporate limits to permit to remain thereon any empty bottles, empty cans, or any receptacles likely to gather and hold water that will breed mosquitoes or other flies and pests, and the failure to remove such debris after notice by the city authorities shall be punishable under the general penalty provision of this code. (Ord. #627, Apr. 1992)

17-120. Weeds and grass. Any growth of weeds or grass to a height in excess of ten (10) inches or which harbors mosquitoes or gives off unpleasant noxious odors, on any lot or parcel of land in the corporate limits is hereby declared to be a nuisance and the same shall be abated as now provided by law at the expense of the person in charge of or in possession of said property upon which said weeds are growing. (Ord. #627, Apr. 1992)

17-121. Refuse not to be dumped in streams and other places. It shall be unlawful for any person to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the city. (Ord. #627, Apr. 1992)

17-122. Unlawful to deposit trash, etc., on streets, sidewalks, etc. It shall be unlawful for any person to throw or in any way deposit garbage, trash,

rubbish or refuse on the streets or sidewalks of the city, or any vacant lot, or on the property of another. (Ord. #627, Apr. 1992)

17-123. Health officer authorized to issue compliance orders. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants or lessees of such properties where violations of this chapter are known to exist, and providing that such violations be corrected within the time specified by the health officer. (Ord. #627, Apr. 1992)

17-124. Violations. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the public works director or the health office shall be subject to the penalties provided for in the adopting ordinance for this municipal code. (Ord. #627, Apr. 1992)