

**TITLE 17**

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

**CHAPTER**

1. MISCELLANEOUS.
2. PRIVATE COLLECTORS.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

- 17-101. Definitions.
- 17-102. Right of city to acquire and operate removal system.
- 17-103. Rules and regulations for operation and maintenance of removal system.
- 17-104. Rules, regulations and schedule of charges to be part of contract.
- 17-105. Refuse acceptable for collection.
- 17-106. Refuse unacceptable for collection.
- 17-107. Method of disposal by city and its contractor.
- 17-108. Containers generally.
- 17-109. Containers for ashes.
- 17-110. Preparation of bundles of rubbish for collection.
- 17-111. Disposal in city prohibited; exception.
- 17-112. Transportation into city by nonresidents for deposit in city prohibited.
- 17-113. Requirements for vehicles transporting refuse.
- 17-114. Deposit on private property generally.
- 17-115. [Deleted.]
- 17-116. [Deleted.]
- 17-117. [Deleted.]
- 17-118. Method of depositing in receptacles.
- 17-119. Unlawful use of city--owned receptacles.
- 17-120. Establishment, maintenance and use of city's refuse disposal facilities.
- 17-121. Scavenging at or removal of refuse from city disposal site.
- 17-122. Notice and correction of violations of chapter.
- 17-123. Presumption concerning litter bearing person's name.
- 17-124. Curbside recycling service and location.
- 17-125. Scavenging prohibited.
- 17-126. Curbside recycling exceptions; permanent mobility impairment.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

**17-101. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Approved container" shall mean and include standard containers, special containers, and special waste receptacles, all of which must be maintained in a state of good repair.

(2) "Ashes" shall mean and include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(3) "Collector" shall mean and include any person, firm, or corporation that engages in the business of collecting, transporting, or disposing of any refuse within the city.

(4) "Garbage" shall mean and 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.

(5) "Refuse" shall mean and include garbage, ashes and rubbish.

(6) "Rubbish" shall mean and include all nonputrescible waste materials, except ashes, from all public and private residences and establishments.

(7) "Special container" shall mean and include a dumpster-type container:

(a) Having a capacity of not over eight (8) cubic yards.

(b) So constructed that the container can be handled by the equipment used for collection.

(c) Having a tight-fitting cover or closure.

(d) Of watertight construction where garbage is to be stored.

(8) "Special waste receptacle" shall mean and include any storage container not defined in this section approved by the city manager which does not violate any of the provisions of this chapter.

(9) "Standard container" shall mean and include a watertight plastic or metal container with handles or bails, having a tight-fitting cover, weighing not over thirty-five (35) pounds when empty and not over one hundred (100) pounds when filled, and not more than thirty-two-gallon capacity. (1969 Code, § 19-1)

**17-102. Right of city to acquire and operate removal system.** The city shall have the right to own, equip, operate and maintain within the corporate limits of the city, either through its own forces or through a contractor, a refuse removal system for the purpose of providing refuse removal services for the use and benefit of its inhabitants and for the use and benefit of persons, firms and corporations within the territorial boundaries of the city. (1969 Code, § 19-2)

**17-103. Rules and regulations for operation and maintenance of removal system.** The city is hereby authorized to promulgate and establish rules and regulations governing the operation and maintenance of the refuse removal system. A copy of any such rules and regulations promulgated shall be kept on file in the city clerk's office. (1969 Code, § 19-3)

**17-104. Rules, regulations and schedule of charges to be part of contract.** Any rules and regulations promulgated under this chapter and the schedule of rates and charges prescribed herein shall constitute a part of all contracts for receiving services from the refuse removal system and shall apply to all applicable services received from the city, whether the services are based on the contract, agreement, signed application, or otherwise. (1969 Code, § 19-5)

**17-105. Refuse acceptable for collection.** The following refuse shall be considered to be acceptable for collection by the city or a contractor performing collections for the city:

- (1) Garbage.
- (2) Ashes.
- (3) Rubbish. (1969 Code, § 19-6)

**17-106. Refuse unacceptable for collection.** (1) The following refuse shall be considered to be unacceptable for collection by the city or a contractor performing such collection for the city:

- (a) Dangerous materials or substances, such as poisons, acids, caustics, infectious materials and explosives.
- (b) Materials resulting from the repair, excavation or construction of buildings or structures, such as earth, plaster, mortar, or roofing material.
- (c) Materials which have not been prepared for collection in accordance with this chapter.
- (d) The solid wastes resulting from industrial processes.

(2) Any person responsible for refuse not acceptable for collection by the city or its authorized collection service shall make arrangements for the collection and disposal of such refuse. Such refuse shall be disposed of at regular and frequent intervals and in no case shall it be stored more than seven (7) days. (1969 Code, § 19-7)

**17-107. Method of disposal by city and its contractor.** The city or its contractor shall dispose of refuse by the sanitary landfill method or by such other method as may be approved by the city. In disposing of refuse, the city or its contractor shall comply with all applicable federal, state, and local laws and regulations. Refuse shall not be disposed of by burning at the disposal site

except upon written approval of the city manager or his or her authorized representative. (1969 Code, § 19-8)

**17-108. Containers generally.** All refuse, except bundles, shall be stored in approved containers, which are at all times maintained in a state of good repair. (1969 Code, § 19-9)

**17-109. Containers for ashes.** Ashes containing hot embers shall not be placed in standard containers or special containers. Ashes containing hot embers shall be stored in special waste receptacles or other approved containers. (1969 Code, § 19-10)

**17-110. Preparation of bundles of rubbish for collection.** A bundle consisting of rubbish, such as boxes, cartons, paper, trimmings and similar matter, will be acceptable for collection, provided such bundle does not exceed five (5) feet in length and six and one-half (6 ½) feet in perimeter and weighs no more than one hundred (100) pounds. Such bundles must be securely tied to facilitate handling and the tie shall be of sufficient strength so that it will bear the weight of the bundle. (1969 Code, § 19-11)

**17-111. Disposal in city prohibited; exception.** It shall be unlawful for any person to dump, burn, bury or destroy or otherwise dispose of refuse within the city except that rubbish may be burned in accordance with the provisions of the fire prevention code. (1969 Code, § 19-12)

**17-112. Transportation into city by nonresidents for deposit in city prohibited.** No person who is not a resident of the city shall transport into or cause to be transported into the city any refuse for the purpose of depositing such refuse upon any ground, street, or place within the city. (1969 Code, § 19-13)

**17-113. Requirements for vehicles transporting refuse.** All vehicles used for the collection, removal, or transportation of refuse, including garbage, ashes, and rubbish, must be so constructed, maintained, and operated as to be easily cleaned and so as to prevent spilling and scattering of refuse in the course of the operation of removing same. (1969 Code, § 19-14)

**17-114. Deposit on private property generally.** (1) The owner or his or her agent or the occupant of any premises within the city shall be responsible for the sanitary condition of the premises occupied by him or her and it shall be unlawful for any person to place, deposit or allow to be placed or deposited on his or her premises any refuse except as designated by the terms of this chapter.

(2) No person shall throw or deposit refuse on any occupied private property within the city, whether owned by such person or not, except that the

owner or person in control of private property may maintain authorized receptacles for collection in such a manner that refuse will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any other private property. (1969 Code, § 19-15)

17-115. **[Deleted.]** (1969 Code, § 19-16, as deleted by Ord. #17-06, Sept. 2006)

17-116. **[Deleted.]** (1969 Code, § 19-17, as deleted by Ord. #17-06, Sept. 2006)

17-117. **[Deleted.]** (1969 Code, § 19-18, as deleted by Ord. #17-06, Sept. 2006)

17-118. **Method of depositing in receptacles.** Persons placing refuse in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (1969 Code, § 19-19)

17-119. **Unlawful use of city-owned receptacles.** It shall be unlawful for the owner, manager or any employee of a business establishment to deposit any refuse from such establishment in any city-owned receptacle placed on a street, sidewalk or other public place. (1969 Code, § 19-20)

17-120. **Establishment, maintenance and use of city's refuse disposal facilities.** The city is hereby authorized to establish and maintain, by its own forces or by contract, refuse disposal facilities. The city may promulgate such rules and regulations for the maintenance and use of such facilities as deemed necessary. (1969 Code, § 19-21)

17-121. **Scavenging at or removal of refuse from city disposal site.** It shall be unlawful for any person to scavenge or salvage at any city-owned or operated refuse disposal site, or to remove any refuse therefrom, without permission of the city manager or his or her authorized representative. (1969 Code, § 19-22)

17-122. **Notice and correction of violations of chapter.**

(1) Whenever the city manager determines that there are reasonable grounds to believe that there has been a violation of any provision of this

chapter, he or she shall give notice of such alleged violation to the person or persons responsible therefor. Such notice shall:

- (a) Be put into writing.
- (b) Include a statement of the reasons why it is being issued.
- (c) Be served upon the owner or his or her agent or the occupant of the premises where the alleged violation takes place.
- (d) Allow a reasonable time for the performance of any act required by such notice.

(2) The notice provided for in subsection (1) may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter. If such corrective action is not taken, the city manager may correct the same and, upon completion of the work, shall determine the reasonable cost thereof and bill the owner or tenant therefor.

(3) Whenever the city manager finds that a situation exists which endangers the public health he or she may, as an emergency measure, correct the same without any notice to the owner or occupant of the premises and, upon completion of the work, he or she shall determine the reasonable cost thereof and bill the owner or tenant therefor. This charge shall constitute a lien upon the property where the corrective measure is taken, and such lien shall be enforced as are other tax liens of the city.

(4) The provisions of this section are not exclusive but cumulative and shall be in addition to the penalties imposed for a violation of this chapter. The notice provided for herein shall not be a prerequisite to prosecution for violating any provision of this chapter. (1969 Code, § 19-23)

**17-123. Presumption concerning litter bearing person's name.** If an object of refuse is discovered on another's property without the property owner's permission or on any public highway, street or road or upon any public park or recreation area or upon any other public property except for property designated for deposit of refuse, and such object bears a person's name, it shall be prima facie evidence that the person whose name appears on the object threw, dumped or deposited or caused it to be thrown, dumped or deposited there. (1969 Code, § 19-24)

**17-124. Curbside recycling service and location.** Curbside recycling service shall begin at 7:00 A.M. Residents shall be responsible for placing recycling containers at the curb for servicing by the time the collection vehicle passes. Any containers not placed at the curb by such time will not be collected until the next recycle collection day. All materials placed at the curb for recycling shall be placed in containers, or otherwise in a manner so as to keep it from being carried, scattered, or deposited by the elements upon streets, sidewalks, or other property. Containers for recyclable materials shall not be placed on the curb prior to 7:00 P.M. the day prior to scheduled collection, and

shall be removed from the curb on the same day they are serviced. (1969 Code, § 19-25)

**17-125. Scavenging prohibited.** It shall be unlawful for any person, except for employees of the city or the city's refuse collection contractor in the course of their employment, to scavenge, collect, remove, or otherwise disturb recycle containers or other containers containing recycle materials, or the contents therein, which have been placed at the curb for servicing. (1969 Code, § 19-26)

**17-126. Curbside recycling exceptions; permanent mobility impairment.** The city recognizes that some residents, because of a permanent mobility impairment, may be physically unable to transport the recycle container to the curb on collection day. The city, therefore, shall use the following procedures for providing special service to the household of residents with permanent mobility impairment serviced under its refuse collection contract, which special service shall provide back door recycle collection. Upon application, an exception may be granted by the city manager when the following criteria have been established:

(1) There is no person in the household, either adult or minor, who is physically capable of transporting the recycle container to the curb because of a permanent mobility impairment;

(2) There is no neighbor or relative not living in the household, who normally assists the resident because of the permanent mobility impairment, who is able or willing to assist the resident in transporting the recycle container to the curb; and

(3) A certification, on a form provided by the city manager, is provided by the resident's physician which certifies that the resident has a permanent mobility impairment which prevents the transportation of a recycle container to the curb. (1969 Code, § 19-27)

## CHAPTER 2

### PRIVATE COLLECTORS

#### SECTION

- 17-201. Prohibited without a permit.
- 17-202. Garbage collector's permit generally.
- 17-203. Fee for garbage collector's permit.
- 17-204. Insurance requirements for garbage collectors.
- 17-205. Vehicle requirements for garbage collectors.
- 17-206. To remove garbage from city.
- 17-207. Prohibited before specified time near residential areas.

**17-201. Prohibited without a permit.** No person, firm or legal entity shall engage in the business of the collection, removal or disposal of garbage, refuse or rubbish for a fee or charge without a permit issued under this chapter. (1969 Code, § 19-35)

**17-202. Garbage collector's permit generally.** (1) Permits for the collection of garbage, refuse or rubbish and its prompt removal from the corporate limits of the city may be issued by the city manager upon the filing of an application on a form prescribed by the city manager; but the same shall be issued only after the city manager has satisfied himself or herself that the applicant possesses or has available the necessary equipment and facilities to adequately perform the service of collection, storage, removal and disposal of garbage, refuse or rubbish. Permits shall be valid for one (1) year following date of issuance thereof unless sooner suspended or revoked. Any such permit may be immediately suspended for cause by the city manager and, after notice and hearing thereon, may be revoked by the city manager for the violation of any of the provisions of this chapter.

(2) Each permit issued under this section shall be numbered, and the permit holder shall place such number in a conspicuous place on each vehicle operated in the business. (1969 Code, § 19-36)

**17-203. Fee for garbage collector's permit.** A fee of one hundred dollars (\$100.00) shall be assessed and collected by the city manager for the issuance of each permit under § 17-202. In addition thereto, a fee of ten dollars (\$10.00) shall be assessed and collected for each vehicle designed for the collection and transportation of garbage and which is used by the permit holder in the collection and transportation of garbage under this permit. (1969 Code, § 19-37)

**17-204. Insurance requirements for garbage collectors.** As a condition precedent to the issuance of a permit under § 17-202, the applicant



shall furnish certificates showing general liability insurance for bodily injury liability on the comprehensive form with limits of one hundred thirty thousand dollars (\$130,000.00) per person in any one (1) accident and, subject to that limit for each person, three hundred fifty thousand dollars (\$350,000.00) for two (2) or more persons in any one (1) accident and automobile public liability and property damage insurance with limits of one hundred thirty thousand dollars (\$130,000.00) per person in any one (1) accident and, subject to that limit for each person, three hundred fifty thousand dollars (\$350,000.00) for two (2) or more persons in any one (1) accident for bodily injury liability and fifty thousand dollars (\$50,000.00) property damage liability on the comprehensive form covering owned, nonowned and hired automobiles which will be used in connection with the work to be done under the permit. (1969 Code, § 19-38, modified)

**17-205. Vehicle requirements for garbage collectors.** All vehicles used by the holder of a permit under this chapter for the collection, removal and disposal of garbage shall have watertight metal bodies, except that, where not more than sixty-five (65) gallons are collected during any one trip, the vehicle body may be other than watertight. When the vehicle body is not watertight, all garbage shall be transported in watertight containers with tight-fitting lids which are to be kept in place except during filling, unloading, or cleaning. Such containers shall be securely fastened to the vehicle during transit so that they will not overturn during normal use. (1969 Code, § 19-39)

**17-206. To remove garbage from city.** All garbage collected by holders of permits under this chapter shall be disposed of by removing the same from the corporate limits of the city. (1969 Code, § 19-40)

**17-207. Prohibited before specified time near residential areas.** No refuse collection shall commence or occur prior to 7:00 A.M. on any day at any location within a three hundred-foot radius of an inhabited residential dwelling. (1969 Code, § 19-41)