

**Chapter 21  
SOLID WASTE**

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## Chapter 21 SOLID WASTE

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### ARTICLE I. IN GENERAL

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#### **Sec. 21-1. Penalty.**

Violations of this chapter are punishable as provided in Section 1-8.

(Code 2007, 21-1)

#### **Sec. 21-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(Code 2007, 21-2)

##### **Contractor**

Any individual or business that the city has an existing 'legal contract with for pick up, hauling or disposal of solid waste or refuse within the city.

##### **Garbage**

Means and includes any and all accumulation of waste and refuse, vegetable and animal matter, discarded from the processing, storage, sale, handling, preparation and serving of food in or on any premises in the city.

##### **Generator**

Any individual, business or entity of any type or nature that produces, creates or generates solid waste or refuse in the city.

##### **Person**

Every person, firm or corporation owning, leasing, living within, conducting a place of business within, or controlling any house, single or multiple family residence unit, shop, hotel, restaurant, market, store, warehouse, apartment or tenement building, or other establishment or place of business within the city.

##### **Refuse**

Solid waste and includes discarded papers; cartons, metal or glass containers, boxes, crates, shoes, clothing and such other miscellaneous waste matter, not defined as garbage above, that constitutes the normal accumulations in the yards and outside premises of resident families and business establishments or institutions in the city. The word "refuse" shall not include industrial wastes, hazardous wastes, manure, debris resulting from construction, reconstruction, remodeling or repairs to buildings, structures, walks, yards or lawns, dead or fallen trees, tree stumps or branches, large tree trimmings, or any other debris that is not properly contained, bundled or baled as hereinafter provided. There shall be a minimum charge of, and whatever additional amount is warranted by the volume of such items which may be hauled or disposed of.

#### **Secs. 21-3 to 21-20. Reserved.**

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**ARTICLE II. COLLECTION AND DISPOSAL SERVICE**

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**DIVISION 1. GENERALLY****Sec. 21-21. Collection Agency.**

The city, or other collectors authorized by the city, shall collect all refuse within the city. No person, except as provided in this article, shall collect or gather refuse within the city.

(Code 2007, 21-21)

**Sec. 21-22. Collection Hours.**

The hours of collection of refuse shall be designated by the city manager, pursuant to the existing solid waste management agreement.

(Code 2007, 21-22)

**Sec. 21-23. Classification of Refuse Rules, Regulations.**

The commission shall from time to time fix the classifications, if any, for garbage and trash collection within the city and shall make other rules and regulations as may be necessary to properly administer and enforce this article.

(Code 2007, 21-23)

**Sec. 21-24. Personnel.**

1. The city manager may employ the number of persons necessary to maintain the efficient garbage collection service and shall designate the code enforcement officer as the sanitation officer.
2. The sanitation officer is responsible for the administration and enforcement of this article.

(Code 2007, 21-24)

**Sec. 21-25. Preparation of Refuse; Residential Collection.**

1. Every person owning, leasing or occupying a single family residence within the city shall provide or cause to be provided on his premises one (1) or more solid waste containers in sufficient number to contain all solid waste accumulated between collections.
2. Mechanically handled containers shall be provided by the contractor.
  - (1) The container supplied by the contractor shall remain the property and responsibility of the contractor.
  - (2) The containers shall be maintained in a mechanically sound condition by the contractor.

- (3) The contractor shall be entitled to seek restitution for all maintenance, repairs or loss occasioned by the negligent or intentional acts of third parties from such responsible third parties.
  - (4) The combined weight of the containers and contents shall not exceed one hundred fifty (150) pounds.
3. Manually handled residential containers (occasional use only):
- (1) The container supplied by the customer shall be the property and responsibility of the customer and must be of rigid plastic or galvanized metal, water tight and not to exceed thirty-two (32) gallons in capacity. The container shall have two (2) substantial outside handles sufficiently strong for collection employees to lift and empty conveniently.
  - (2) The combined weight of the containers shall not exceed fifty (50) pounds.
4. Solid waste that is too long or bulky to be placed in containers required by this article shall be prepared for collection by compressing the rubbish as fiat as practical, or breaking or cutting into shorter lengths, and securely tying in a bundle not exceeding four (4) feet in length and fifty (50) pounds in weight.
  5. The owner, occupant, tenant, or lessee of each premises shall store the containers (poly-carts) a minimum of ten (10) feet away from, the location of pick up, for the purpose of and in such a manner to keep the containers from being overturned or upset and the contents scattered. This will also keep the sidewalks and sides of the streets clear.
  6. Construction debris. All construction sites shall have a method of containment for construction debris from blowing or scattering upon the site or adjacent property and streets. The producer of the debris shall arrange with the contractor for its collection and removal, except that a person may personally collect such debris and transport it to a state permitted landfill. Transportation shall be in a vehicle which will prevent the debris from spilling, blowing, or falling onto the street, roadway, or other property.
  7. Special services. Upon request, and for a fee, a special pickup will be provided for items that do not conform to the weight or size limitations for regular pick-up, such as the removal of bulky wastes, white goods and tree trimmings.  
(Code 2007, 21-25)

### **Sec. 21-26. Location and Times for Collection.**

1. Residential. All collections made by the contractor for other than a qualified physically disabled resident, shall be made at curbside from the streets, except where special circumstances warrant otherwise, and where approved by the city. The receptacles, when placed at curbside, shall not interfere with pedestrian or vehicular traffic. Collection will be between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday. It shall be the responsibility of the resident to deliver the receptacles to such point for collection and return the empty receptacles from such points to the usual place of storage, within twenty-four (24) hours of collection.

2. Commercial. Commercial collection shall be between the hours of 4:00 a.m. and 8:00 p.m. Monday through Friday and 4:00 a.m. to 1:00 p.m. on Saturday. The contractor shall provide collection of solid waste from commercial units a minimum of once per week. The frequency of collection and the placement and the type of container shall be based on health, safety and convenience.  
(Code 2007, 21-26)

#### **Sec. 21-27. Commercial Collection.**

1. Commercial or business establishments are required to have a commercial container if the volume of solid waste is large enough to require one. (In cases of disputes or disagreements concerning the appropriate size of a container the sanitation officer may order a change in the size of the container or the frequency of collections.
2. The lids or covers are required to be kept secure at all times so that flies and other insects may not have access to the contents, and shall only be removed while the containers are being filled, emptied or cleaned.  
(Code 2007, 21-27)

#### **Sec. 21-28. Use of Containers.**

It is unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he does not own or is not entitled to use as a tenant.  
(Code 2007, 21-28)

#### **Sec. 21-29. Scavenging Prohibited.**

It is unlawful for anyone to enter into or reach into a trash receptacle for the purpose of scavenging or otherwise removing items from the trash receptacle.  
(Code 2007, 21-29)

#### **Sec. 21-30. Burning Solid Waste.**

It shall be unlawful to burn solid waste of any nature within the city without a burn permit from the fire department and the conditions set forth in the permit.  
(Code 2007, 21-30)

#### **Sec. 21-31. Flammable or Explosive Materials.**

Highly flammable or explosive materials shall not be placed in residential or commercial containers.  
(Code 2007, 21-31)

**Sec. 21-32. Hot Ashes and Other Combustible Material.**

No person shall deposit hot ashes, cinders, smoldering coals, or greasy or oily substances liable to spontaneous combustion in any solid waste container.

(Code 2007, 21-32)

**Sec. 21-33. Infectious Wastes.**

No generator of solid waste shall place in any container for regular collection any infectious waste or an item that has come in contact with infectious waste.

(Code 2007, 21-33)

**Secs. 21-34 to 21-45. Reserved.****DIVISION 2. FEES.****Sec. 21-46. Payment for Garbage and Refuse Service.**

Each and every owner, tenant, occupant or lessee of any family dwelling, separate apartment, building, mobile home, trailer, office or premises within the corporate limits of the city is required to accept and use the refuse and/or garbage collection and disposal services provided by the city and to pay to the city utilities the prescribed fee or fees for such services. The fees will be billed to each house, resident, shop, establishment, hotel, restaurant, separate apartment unit, or tenant house or any place of business within the city.

(Code 2007, 21-46)

**Sec. 21-47. Schedule of Rates.**

The monthly Solid Waste rate for residential, multi-unit residential, commercial and City facilities is established in Chapter 16 – Fee Schedule.

(Code 2007, 21-47; Ord. 2008-358, 17 Oct 2008)

**Sec. 21-48. Failure to Pay Fee; Assessment.**

Whenever any person shall fail or refuse to pay the amount required by this article for removal of garbage or refuse before the date herein provided, or if any person shall suffer garbage to be thrown, left or deposited in or upon the premises under his control other than in the receptacles provided by this article and shall fail to remove or place such garbage and/or refuse in such receptacles within forty-eight (48) hours after the same is thrown, left or deposited in or on such premises, the city may, at its own expense, remove the garbage and/or refuse from the premises, houses or business establishments; in such cases, the assessment shall be made against the property benefited by such removal for the cost of such removal to the amount which the property is specifically benefited by such removal or in the amounts herein before mentioned in the assessment rolls and in accordance with the provisions of the existing laws of the state.

(Code 2007, 21-48)