

## **CHAPTER 9: GARBAGE AND OTHER REFUSE**

Article

### **1. GENERAL PROVISIONS**



**Article 1: General Provisions**

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**ARTICLE 1: GENERAL PROVISIONS**

**§ 9-1 SANITATION DEPARTMENT.**

(A) There shall, at the option of City Council or any of its duly constituted authorities, be the Sanitation Department, the head of which shall be the Superintendent appointed by the City Manager. It shall be the duty of the Sanitation Department to collect and dispose of garbage and other refuse as provided by the ordinances of the city.

(B) The Superintendent shall supervise and inspect the work of the garbage and refuse collectors. He or she shall prescribe standards to which the work of the collectors shall conform and he or she shall supervise all work. He or she shall see that all ordinances pertaining to the work are enforced.

(C) The city, and any of its duly constituted authorities, in lieu of operating the Sanitation Department, reserve the right to contract out all or any portion of its sanitation collection and disposal services to a private contractor(s) upon the terms and conditions as may from time to time be mutually agreed upon.

(`90 Code, § 9-1) (Am. Ord. 2999, passed 3-21-95)

**§ 9-2 USE OF CITY SERVICE.**

Each and every owner, tenant, occupant or lessee of any family dwelling, separate apartment, building, office or premises within the corporate limits of the city, is required by this article to accept and use the refuse and garbage services provided by the city and/or its private contractor, if any, and to pay to the City Clerk the prescribed fee or fees for the refuse and garbage service.  
(`90 Code, § 9-2) (Am. Ord. 2999, passed 3-21-95)

**§ 9-3 FREQUENCY OF COLLECTION.**

The Council or any of its duly constituted authorities by motion or resolution shall have power to prescribe the frequency and schedule of garbage and refuse collection from premises of various kinds, such as residential, business and other premises.  
(`90 Code, § 9-3) (Am. Ord. 2999, passed 3-21-95)

**§ 9-4 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BAGS.** Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed 35 pounds.

**BULKY WASTE.** Stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for polycarts or metal dumpsters, as the case may be.

**CONSTRUCTION DEBRIS.** Waste building materials resulting from construction, remodeling, repair or demolition operations.

**DEAD ANIMALS.** Animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

**GARBAGE.** Every accumulation of animal or vegetable matter or both; that is, the refuse matter from kitchens, pantries, dining rooms or other parts of hotels, restaurants, boarding houses, tenement houses, dwelling houses, market houses, public institutions, private hospitals, all animal matter or refuse matter from butcher shops, the animal matter from poultry houses or stores, the refuse animal matter from fish stores or other businesses or occupations, any and all dead animals of less than ten pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds,

fruits, grains or other animal or vegetable matter (including, not by way of limitation, used tin cans and other food containers and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except, in all cases, any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

**HAZARDOUS WASTE.** Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law and shall also include motor oil, gasoline, paint and paint cans.

**POLY CART.** A durable plastic container with an attached lid and designed to hold 95 gallons of materials.

**REFUSE.** All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products, such as are used for packaging or wrapping crockery and glass, broken ware, tin cans or vessels, iron or other metallic vessels or their parts or other metallic scraps, wood or paper boxes, cartons or other parts of paper material, ashes, cinders, floor sweepings, glass, mineral or metallic substances, all animal and vegetable matter not defined as garbage and any and all other waste materials not included in the definition of bulky waste or stable matter.

**STABLE MATTER.** All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.  
(`90 Code, § 9-4) (Am. Ord. 2999, passed 3-21-95)

## § 9-5 CONTAINERS.

(A) Every residence, business, apartment house or dwelling within the corporate limits of the city, shall have and maintain at least one durable plastic polycart or receptacle, as directed by the City Manager or his or her designee, with a capacity of not more than 95 gallons each, with a tight fitting lid thereon at all times.

(B) In the event one durable plastic polycart or receptacle is insufficient for any one of the residences, businesses, apartment houses or dwellings to hold the quantity of refuse that will accumulate between collections, then a sufficient number of polycarts or receptacles shall be provided by the city, any of its duly constituted authorities or its private contractor(s), or on a limited temporary basis, bags shall be used. Business establishments may use a metal dumpster or other receptacle with a tight cover as directed by the City Manager or his or her designee for the accumulation of rubbish or garbage, and the metal dumpster or other receptacle shall be of a construction and be located and maintained so as not to create a fire hazard or provide harborage for rodents or the breeding of insects. Tree cuttings and the like shall be bundled in lengths not to exceed three feet and not to exceed 35 pounds in weight.  
(`90 Code, § 9-5) (Am. Ord. 2999, passed 3-21-95)

**§ 9-6 REMOVAL OF GARBAGE OR REFUSE PROHIBITED.**

(A) It shall be unlawful for any person, firm or corporation, other than the city, any of its duly constituted authorities, and/or its private contractor(s), if any, to remove from any premises in the city or to transport through the streets, alleys or public places, any garbage or refuse subject to availability of services to be provided by the city, any of its duly constituted authorities and/or its private contractors.

(B) The City Council and any of its duly constituted authorities reserves the right and may enter into a contract(s) with some suitable person or persons for the removal of garbage and refuse upon the terms and conditions as the Council may prescribe.

(C) The City Council and any of its duly constituted authorities shall have the right to terminate any contract or agreement upon ten days written notice.  
(`90 Code, § 9-6) (Am. Ord. 2999, passed 3-21-95)

**§ 9-7 PLACEMENT OF CONTAINERS; MISPLACING REFUSE.**

(A) Garbage and refuse polycarts, metal dumpsters and containers shall be placed on the property adjoining and accessible to the curbside, streetside or other place as may be approved by the City Manager or his or her designee. The previous practice of using alleys for sanitation collection and disposal services is expressly discontinued, except for commercial businesses or as may be necessary in the discretion of the City Manager or his or her designee.

(B) It shall be unlawful and an offense for any person to deposit for collection on any street, alley, parking area in the city or any private property any refuse except as herein provided. Each day the refuse is permitted to remain unlawfully in any alley, street, parking or elsewhere shall constitute a separate offense.  
(`90 Code, § 9-7) (Am. Ord. 2999, passed 3-21-95)

**§ 9-8 CHARGES.**

(A) The City Clerk shall charge and collect for refuse and garbage service monthly fees which shall be established by the City Council by motion or resolution. (`90 Code, § 9-8)

(B) All bills for sanitary service, otherwise known as garbage and refuse service, rendered by the city, any of its duly constituted authorities, or its private contractor(s), shall be included on water or utility bills of the city. No payment shall be accepted by the City Clerk, except for the full amount billed for all services and delinquent sanitary bills, otherwise known as garbage and refuse service bills, shall carry the same due dates, grace periods and penalties as water or utility bills.  
(`90 Code, § 9-9) (Am. Ord. 2999, passed 3-21-95)

**§ 9-9 SANITARY LANDFILLS.**

(A) No person shall deposit, unload or dispose of garbage and/or rubbish at the sanitary landfill operated by the city at locations other than as may be directed by appropriate signs or directives of employees of the city.

(B) Any person who violates the provisions of this section or fails to comply with the directives of the city employees in regard to the disposal of garbage and rubbish shall be guilty of an offense. ('90 Code, § 9-10) (Ord. 2621, passed - -)

**§ 9-20 PENALTY.**

Any person, firm or corporation violating any provision of this chapter shall be guilty of as offense and shall be punished as provided in this code of ordinances. Each day upon which a violation thereof continues shall constitute a separate offense.

('90 Code, § 9-11) (Ord. 2823, passed - -)

***Cross-reference:***

*Arraignment; pleading, see § 12-24*

