

CHAPTER 6 SANITATION SERVICE

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8-6-1: **PURPOSE:** The accumulation of waste, refuse, trash, garbage, rubbish, and other deleterious substances upon private properties, vacant lots and in streets and alleys constitutes a public nuisance and menace and contributes to the spread of infectious, contagious and epidemic diseases. It is necessary for the preservation of health, safety, sanitation, peace, and public welfare that proper and adequate regulations be adopted to require property owners and occupants to secure containers and receptacles of sufficient kind and size in which to deposit waste, refuse, trash, garbage, and rubbish for collection and removal at regular intervals. The significant cost of acquiring capital facilities, equipment, and vehicles necessary to provide removal of refuse requires the limitation of the number of providers of sanitation services within the City. The City intends to provide automated solid waste removal services to every occupant of the City except where such is impractical because of physical barriers; safety considerations; or technological or equipment limitations. (Ord. 3018, 8-27-15)

8-6-2: **APPLICATION OF CHAPTER:** This Chapter applies to the delivery of solid waste sanitation services to all residential, commercial and industrial properties within the City. (Ord. 3018, 8-27-15)

8-6-3: **SOLID WASTE REMOVAL REQUIRED:** Every occupant of property within the City shall be fully responsible to remove all waste from their premises unless otherwise allowed by this Chapter or specifically authorized by the City.

8-6-4: DEFINITIONS: For purposes of this Chapter, the following terms shall have the meanings ascribed below:

CONTAINER, COMMERCIAL:

A City-issued container for waste having a capacity in excess of one (1) cubic yard.

CONTAINER, RESIDENTIAL:

A City-issued residential container having a capacity of ninety-six (96) gallons or less.

GARBAGE:

Any excess or leftovers resulting from the preparation, cooking, consumption, or handling of food or other edible substance, whether for human or animal consumption, including without limitation, waste from the handling, storage, and sale of produce, which are not actively being composted.

JUNK:

Any materials consisting of any mechanical appliance, vehicle, machinery, equipment or apparatus, or any parts therefrom, including without limitation, all non-functional automobiles, white goods, recreational vehicles, boats, snowmobiles, motorcycles, farming and construction equipment.

OCCUPANT:

Any person occupying, possessing or having control of real property located in the City, whether as an owner, tenant or licensee.

REFUSE:

All materials of any kind or nature, including, but not limited to, handbills, newspapers, papers, cartons, boxes, barrels, shrubs, tree trunks (other than stumps in the ground), wood, brush, weeds, branches, yard trimmings, leaves, furniture, bedding, tin cans, metals, bottles, ashes, clinkers, broken glass, broken concrete, rock, crockery, mineral waste, street sweepings, industrial waste, sawdust, lumber scraps, shavings, animal carcasses, wire and plastics.

SANITARY SERVICE:

The availability of solid waste sanitation services provided by the City.

WASTE:

Any materials or items for which there is no practical use other than for recycling, and which, is markedly offensive or unsightly, or which creates an offensive odor or is unsanitary or unsafe, attracts insects or rodents or in any way creates a public nuisance or health or safety hazard. "Waste" and "solid waste" includes garbage, junk, refuse, and weeds, as defined in this Chapter.

WEEDS:

Any plant, growing or dead, more than ten (10”) inches in length or height, (as measured from the surface of the ground), except plants grown for ornamental purposes or for production of food for man or beast. Noxious plants, regardless of height, shall be considered weeds for purposes of this Chapter. (Ord. 3003, 04-23-15; Ord. 3018, 8-27-15; Ord. 3235, 12-20-18)

- 8-6-5: ACCUMULATION OF REFUSE: It shall be unlawful for any occupant to accumulate or to allow the accumulation of refuse upon property under the occupant’s control in a manner which is markedly offensive or unsightly, attracts insects or rodents, is unsanitary, unsafe or unhealthy or which otherwise causes a public nuisance. (Ord. 3018, 8-27-15)
- 8-6-6: DEPOSIT OF REFUSE ON PUBLIC PROPERTY: It shall be unlawful to deposit or bury refuse in or upon any public alley, street, park or other public property, or upon the premises of another without the consent of the occupant of such other property. (Ord. 3018, 8-27-15)
- 8-6-7: UNLAWFUL USE OF WASTE CONTAINERS: It shall be unlawful for any person to deposit refuse into any waste container owned or leased by another without the express or implied permission of the owner or lessee thereof. (Ord. 3018, 8-27-15)
- 8-6-8: SANITATION SERVICE FEES: There shall be assessed for each structure located within the City, used for human occupancy, a monthly fee in an amount set from time to time by Resolution of the Council based, upon whether the service is residential or commercial, the number or size of waste containers used, and the frequency of pickup services. Solid waste sanitation services shall be provided, subject to the payment of the fees established from time to time by Resolution of the Council, and subject to the provisions of this Chapter. Every occupant shall pay a sanitation service fee, established from time to time by Resolution of the Council, irrespective of whether waste is removed from the occupant’s premises during the period for which the service is provided. (Ord. 3018, 8-27-15; Ord. 3235, 12-20-18)
- 8-6-9: REMOVAL OF WASTE: The City will remove waste deposited in residential and commercial waste containers in accordance with the provisions of this Chapter. The City may decline to remove waste from any container which does not meet the requirements of this Chapter or which is not placed in waste containers. Every occupant of a residential and commercial property shall have the obligation to remove all waste accumulating on property under their control, in accordance with this Chapter.
- 8-6-10 RESIDENTIAL WASTE CONTAINERS – REGULATIONS: City-provided containers are utilized for solid waste service, occupants shall contain all waste within the City-supplied containers. (Ord. 3018, 8-27-15; Ord. 3235, 12-20-18)
- 8-6-11: COMMERCIAL WASTE CONTAINERS – REGULATIONS: All commercial waste containers shall consist of containers furnished by the City prior to being placed into

service by the occupant. Removal of commercial waste on a basis more frequent than regularly scheduled may be accommodated when authorized by the City and where a fee is paid for more frequent removal. (Ord. 3003, 04-23-15; Ord. 3018, 8-27-15)

8-6-12:USE OF CONTAINERS: It shall be unlawful to deposit, store, or place solid waste into any waste container that is not provided by the City for pickup. Notwithstanding the foregoing, grass, leaves, weeds, and clippings from trees or ornamental shrubbery, no longer than four feet (4') may be placed in cardboard cartons, bushel baskets, boxes, or strong plastic garbage sacks, provided the same are securely covered or closed in a manner which prevents the contents from being blown, spilled, or strung about. The City will remove such non-standard containers provided the same do not exceed fifty (50 lbs) pounds in weight. (Ord. 3003, 04-23-15; Ord. 3018, 8-27-15; Ord. 3235, 12-20-18)

8-6-13:COMPOST PILES: Compost piles and materials may be maintained, transported, kept, and used in any manner which does not constitute a public nuisance. (Ord. 3018, 8-27-15)

8-6-14:COLLECTION OF WASTE :

- (A) The City will collect waste in accordance with a collection schedule it establishes.. Prior to 7 a.m., local time, on the day scheduled for collection, all waste containers shall be placed at the street curb or inside edge of the sidewalk where the sidewalk is adjacent to the curb. All empty waste containers shall be withdrawn from the curb or inside edge of the sidewalk as soon as practical after removal of the waste from the container.
- (B) All waste to be collected from a City-provided container pursuant to the Chapter shall be contained within such City-provided waste container.
- (C) Every City-provided residential waste container shall remain at the address to which it is assigned and as distributed. Container repair or replacement costs beyond normal wear and tear, to a City-provided residential waste container shall be assessed and based on actual costs to the occupant for damages.
- (D) City-provided solid waste containers shall be placed by the occupant at curbside, as close to the curb as possible. Such containers shall be at least three feet (3') from any obstruction, including mailboxes, trees, shrubs, building overhangs, and utility poles. Additionally, such containers shall be placed in a location where there is unobstructed overhead clearance of at least fourteen feet (14').
- (E) At no time shall a City-provided solid waste container block or interfere with safe pedestrian, bicycle, or vehicle access to a street, alley, bike or pedestrian paths, or sidewalk (regardless of the City's established solid waste collection schedule). (Ord. 3003, 04-23-15; Ord. 3018, 8-27-15; Ord. 3235, 12-20-18)

8-6-15:EXCEPTIONS TO WASTE REMOVAL BY CITY: The City shall have no duty to remove the following waste:

- (A) Dirt, earth, or debris from construction, building renovation, or demolition.
- (B) Appliances (including white goods), large or heavy machines, tree trunks, or other debris or waste not placed within a waste container meeting the requirements of this Chapter.
- (C) Hazardous waste, toxic chemicals, waste oils, lubricants, or any other substance harmful to life or limb; or
- (D) Dead animals; or
- (E) Waste not contained in City-provided containers, unless otherwise allowed by this Chapter or specifically authorized by the City. (Ord. 3003, 04-23-15; Ord. 3018, 8-27-15; Ord. 3235, 12-20-18)

8-6-16:SCATTERING OF WASTE: It shall be unlawful to scatter the contents of any waste container upon any street, alley, right-of-way, or public park within the City. (Ord. 3018, 8-27-15)

8-6-17:COMMERCIAL SANITATION SERVICES PROHIBITED: It shall be unlawful for any person to conduct, engage or otherwise participate in any private business, undertaking, or enterprise for the removal or disposal of waste for pecuniary gain or profit. Nothing herein shall prohibit the use of waste for recycling purposes by any licensed recycling business, salvage yard, second-hand dealer or other similarly licensed enterprise. (Ord. 3018, 8-27-15)

8-6-18: BILLING, COLLECTION, AND TERMINATION OF UTILITY SERVICE: Billing, collection, and termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution. (Ord. 2311, 2-25-99; Ord. 2668, 09-14-06; Ord. 2683, 12-14-06; Ord. 2751, 5-22-08; Ord. 2964, 8-14-14; Ord. 3018, 8-27-15; Ord. 3235, 12-20-18)