

CHAPTER 2
GARBAGE AND REFUSE

SECTION:

- 4-2- 1: Purpose
- 4-2- 2: Definitions
- 4-2- 3: Collection Of Garbage
- 4-2- 4: Service Charges; Payment
- 4-2- 5: No Accumulation Of Garbage
- 4-2- 6: Containers
- 4-2- 7: Time And Place Of Pick Up
- 4-2- 8: Disposal Of Community Waste
- 4-2- 9: Regulations
- 4-2-10: Penalty

4-2-1: **PURPOSE:** The city council hereby finds and declares that it is necessary and conducive to the health, safety and welfare of the residents of the city to provide for the collection and removal of garbage by a city operated garbage department or its agent and to provide regulations and standards for the collection, removal and disposal of garbage and refuse within and from the city. (Ord., 8-8-1972; amd. 2006 Code)

4-2-2: **DEFINITIONS:** The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

COMMERCIAL GARBAGE: Garbage produced in commercial establishments, public, or quasi-public, institutions or establishments, including restaurants, hotels and similar establishments.

COMMUNITY WASTE: Lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.

**CONTAINER OR
REGULATION
CONTAINER:**

A type of garbage or trash container having a tight fitting lid. Said container shall not exceed a capacity of seventy five (75) pounds.

GARBAGE:

Waste from the preparation, cooking and consumption of foods, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage that originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.

REFUSE:

All waste matter, excepting garbage, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Said term shall not be deemed to include either industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

**RESIDENTIAL
GARBAGE:**

Garbage produced in places of private residence and dining halls not open to the public. (Ord., 8-8-1972)

4-2-3: COLLECTION OF GARBAGE:

- A. Authorized: The city, or its agent, shall collect, remove and dispose of all residential garbage and of all commercial garbage, the removal of which is not otherwise provided for by the establishment or institution as hereinafter provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the city council may from time to time establish by regulation.
- B. Removal Authorized: No garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the city except by the city or its agent, and except by authorized persons hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, other than those above mentioned, to haul or remove garbage or refuse in the city.

- C. Commercial Establishments And Institutions: Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage may remove said commercial garbage themselves or may employ the services of authorized contractors to remove said commercial garbage. Said authorized garbage haulers must apply for permission so to do at the office of the city recorder. All said haulage must be done in such manner and at such times as the city council may from time to time by regulation provide.
- D. Removal Of Community Waste Not Prohibited: Nothing in this section shall be construed as prohibiting any person from removing and transporting community waste. (Ord., 8-8-1972)

4-2-4: **SERVICE CHARGES; PAYMENT:**

- A. Residential Users: All residents within the limits of the city shall pay to the city a garbage service charge for collection and disposal of garbage and refuse. Said service charge shall be established by resolution of the city council and may be changed from time to time by resolution of the city council.
- B. Exceptions: The mayor, with the consent of the city council, may excuse needy widows and elderly persons who are not reasonably capable of paying the service charge for residential collection and disposal of garbage from the payment of said residential service charges for such period of time as may be deemed proper or necessary.
- C. Commercial Establishments:
 - 1. All commercial establishments producing commercial garbage or refuse, excepting those which have provided for the haulage of their garbage, either by their own equipment or by means of authorized contractors, shall pay such charges as may be determined by the city council upon the basis of volume, time or weight, for each class of business establishment.
 - 2. All such commercial establishments which have not arranged for approved methods of garbage haulage shall pay said garbage service charges whether or not in any month or other period garbage or refuse has been produced by them requiring services by the city or its agent; provided however, that if a commercial establishment has remained vacant for an entire month, no charge shall be made for said month. (Ord., 12-6-1977)

D. Method Of Payment:

1. The garbage service charges imposed by this section shall be added to the charge made for water furnished through the water system of the city and billed and collected in the same manner as water service charges are billed and collected.

2. In the event that the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make said combined billing and collection feasible in the opinion of the city council, said garbage service charges shall be collected with such frequency and in such manner as the city council shall by regulation provide. (Ord., 8-8-1972)

4-2-5: **NO ACCUMULATION OF GARBAGE:** It shall be unlawful for any person to accumulate garbage or refuse or to cause garbage or refuse to be deposited upon any street or alley or upon any premises in the city without express permission from the city. The city may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes or for burning of paper and other dry wastes at such places as the city may designate and under such restrictions as the city council may impose by regulation. Additionally the city may grant to any person permission for sorting, bailing and marketing of trade waste upon premises properly equipped and maintained. (Ord., 8-8-1972; amd. 2006 Code)

4-2-6: **CONTAINERS:** All garbage and refuse shall be placed in a regulation container or containers and its lid so placed as to make the contents thereof inaccessible to flies and to prevent odors from escaping therefrom. (Ord., 8-8-1972)

4-2-7: **TIME AND PLACE OF PICK UP:** All garbage and refuse subject to garbage collection by the city shall be placed at a pick up point at or near the premises designated from time to time by regulations adopted by the city council and at such time or times as shall be designated by regulations of the city council. (Ord., 8-8-1972)

4-2-8: DISPOSAL OF COMMUNITY WASTE:

- A. Residents And Business Establishments: Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the city council as to the places of disposal and subject to such regulation of the type of vehicle used so as to avoid spillage upon the public ways of the city, hazards to safety and the prevention of nuisances.
- B. City: The city may from time to time provide for the collection and disposal of such types of community waste as it may elect to collect and haul in connection with its regular garbage and waste collection and disposal service. In the event said community waste disposal service should require a charge to be made by the city, the determination of said charge will be made by negotiation with the resident or business enterprise, and the resident or business enterprise will be given an opportunity to elect receipt of said service by others than the city. (Ord., 8-8-1972)

4-2-9: REGULATIONS: The city council may adopt such regulations as in its opinion are necessary to implement this chapter and the objectives thereof. (Ord., 8-8-1972)

4-2-10: PENALTY: Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord., 8-8-1972; amd. 2006 Code)

