

CITY OF POTH REFUSE ORDINANCE

AN ORDINANCE DEFINING THE VARIOUS KINDS OF REFUSE, REGULATING THE KINDS AND SIZE OF RECEPTACLES IN WHICH TO PLACE SAME, THE MANNER OF ITS PREPARATION AND WHERE IT MUST BE PLACED TO BE COLLECTED BY THE CITY DESIGNATED CONTRACTOR OR CITY PERSONNEL, PROVIDING REGUALTIONS FOR COLLECTING SAME AND PROHIBITING THE PLACING OF REFUSE OR ANY ARTICLE OR MATERIAL IN THE STREETS OF THE CITY OF POTH, PROHIBITING THE MEDDLING, SCATTERING CONTENTS, PILFERING OR INTENTIONAL DAMAGE OF REFUSE CONTAINERS AND PRESCRIBING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTH:

SECTION 1. THE ORDINANCE SHALL BE KNOWN AS THE "REFUSE ORDINANCE" OF THE CITY OF POTH. THE REFERENCE TO "RESIDENTIAL UNIT" AS USED IN THIS ORDINANCE IS A DWELLING WITHIN THE CORPORATION LIMITS OF THE CITY CURRENTLY BEING SERVED BY THE CITY'S SOLID WASTE COLLECTION SERVICE WHETHER INSIDE OR OUTSIDE THE CITY LIMITS, OCCUPIED BY A PERSON OR GROUP OF PERSONS COMPRISING NOT MORE THAN FOUR FAMILIES. A "RESIDENTIAL UNIT" SHALL BE DEEMED OCCUPIED WHEN EITHER WATER OR DOMESTIC LIGHT AND POWER SERVICES ARE BEING SUPPLIED THEREOF. A CONDOMINIUM DWELLING, WHETHER OF SINGLE OR MULTI-LEVEL CONSTRUCTION, CONSISTING OF FOUR OR LESS CONTIGUOUS OR SEPARATE SINGLE-FAMILY DWELLING UNITS, SHALL BE TREATED AS A "RESIDENTIAL UNIT", EXCEPT THAT EACH SINGLE-FAMILY DWELLING WITHIN ANY SUCH "RESIDENTIAL UNIT" SHALL BE BILLED SEPARATELY AS A "RESIDENTIAL UNIT". THE REFERENCE TO "COMMERCIAL AND INDUSTRIAL UNIT", AS USED IN THIS ORDINANCE IS A PREMISE, LOCATION OR ENTRIES, PUBLIC OR PRIVATE, REQUIRING REFUSE COLLECTION WITHIN THE CORPORATE LIMITS OF THE CITY, OR CURRENTLY BEING SERVICED, WHETHER INSIDE OR OUTSIDE THE CITY LIMITS, NOT A "RESIDENTIAL UNIT".

THE VARIOUS KINDS OF REFUSE SHALL BE DEFINED AS FOLLOWS:

- A. THE TERM "**GARBAGE**" AS USED IN THIS ORDINANCE, SHALL MEAN DRY KITCHEN REFUSE, ALL MEAT, VEGETABLES AND FRUIT REFUSE, SMALL DEAD ANIMALS AND FOWL LESS THAN 20 LBS. IN WEIGHT, EXCEPT THOSE SLAUGHTERED FOR HUMAN CONSUMPTION, EVERY ACCUMULATION OF WASTE (ANIMAL, VEGETABLE, AND/OR OTHER MATTER) THAT RESULTS FROM THE HANDLING, PACKING, CANNING, STORAGE, TRANSPORTATION, DECAY OR DECOMPOSITION OF MEATS, FISH, FOWL, BIRDS, FRUIT, GRAIN, OR OTHER ANIMAL OR VEGETABLE

MATTER, (INCLUDING, BUT NOT BY WAY OF LIMITATION, USED TIN CANS AND OTHER FOOD CONTAINERS; AND ALL PUTRESCIBLE OR EASILY DECOMPOSABLE ANIMAL OR VEGETABLE WASTE MATTER WHICH IS LIKELY TO ATTRACT FLIES AND REDENTS), EXCEPT (IN ALL CASES) ANY MATTER INCLUDED IN THE DEFINITION OF BULKY WASTE, CONSTRUCTION DEBRIS, DEAD ANIMALS, MAZARDOUS WASTE, OR STABLE MATTER.

- B. THE TERM "**RUBBISH**" AS USED IN THIS ORDINANCE SHALL MEAN ALL WASTE WOOD, WOOD PRODUCTS, GRASS, CUTTINGS, DEAD PLANTS, WEEDS, LEAVES, 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 PACKING, OR WRAPPING, CROCKERY AND GLASS, ASHES, CINDERS, FLOOR SWEEPINGS, GLASS, MINERALS NOT INCLUDED IN THE DEFINITION OF BULK WASTE, CONSTRUCTION DEBRIS, DEAD ANIMALS, HAZARDOUS WASTE OR STABLE WASTE.
- C. THE TERM "**DEAD ANIMAL**" AS USED IN THIS ORDINANCE SHALL MEAN ANIMALS OR PORTIONS THEREOF OF EQUAL TO OR GREATER THAN 20 LBS. IN WEIGHT THAT HAVE EXPIRED FROM ANY CAUSE, EXCEPT THOSE SLAUGHTERED OR KILLED FOR HUMAN USE OR CONSUMPTION.
- D. THE TERM "**HAZARDOUS WASTE**" AS USED IN THIS ORDINANCE SHALL MEAN ANY CHEMICAL, COMPOUND MIXTURE, SUBSTANCE OR ARTICLE WHICH IS DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR APPROPRIATE AGENCY OF THE STATE TO BE "HAZARDOUS" AS THE TERM IS DEFINED BY THE PURSUANT TO FEDERAL OR STATE LAW.
- E. THE TERM "**BULKY WASTE**" AS USED IN THIS ORDINANCE SHALL MEAN STOVES, REFRIGERATORS, WASTE 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 REFUSE CONTAINERS.
- F. THE TERM "**STABLE MATTER**" AS USED IN THIS ORDINANCE SHALL MEAN 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.
- G. THE TERM "**CONSTRUCTION DEBRIS**" AS USED IN THIS ORDINANCE SHALL MEAN WASTE BUILDING MATERIALS RESULTING FROM CONSTRUCTION, REMODELING, REPAIR OR DEMOLITION OPERATIONS.

SECTION 2. IT SHALL BE THE DUTY OF EVERY PERSON OPERATING, LEASING OR RENTING ANY RESIDENTIAL UNIT, PREMISE, OR PLACE WHERE REFUSE ACCUMULATES TO PROVIDE A PORTABLE GARBAGE CAN CONTAINER CONSTRUCTED OF PLASTIC, GALVANIZED STEEL, TIN OR OTHER METAL, WITH A TIGHT FITTING COVER OF A CAPACITY NOT LESS THAN TWENTY GALLONS OR OVER THIRTY FIVE GALLONS, AND ACCUMULATE REFUSE IN THIS GARBAGE CAN CONTAINER. THE WEIGHT OF A CONTAINER AND ITS CONTENTS SHALL NOT EXCEED 60 LBS. IT SHALL

ALSO BE THE DUTY OF EVERY PERSON MANAGING, OPERATING, LEASING OR RENTING ANY RESIDENTIAL UNIT OR PREMISE TO PLACE ALL RUBBISH FROM SAID RESIDENTIAL UNIT OR PREMISE IN GARBAGE CAN CONTAINERS, OR OTHER RECEPTACLES OF REASONABLE SIZE, PROVIDED THAT THE GROSS WEIGHT DOES NOT EXCEED 60 LBS. COMMERCIAL OR INDUSTRIAL UNITS WHOSE REFUSE QUANTITY EXCEEDS 1 CUBIC YARD WILL UTILIZE COMMERCIAL REFUSE CONTAINERS.

GARBAGE CAN CONTAINERS OR OTHER SUITABLE RECEPTACLES CONTAINING GARBAGE OR RUBBISH SHALL BE PLACED ADJACENT TO THE CURB LINE OR OUTSIDE THE TRAVELED EDGE OF THE STREET TO BE COLLECTED BY THE CITY DESIGNATED CONTRACTOR OR CITY PERSONNEL.

SECTION 3. HEAVY ACCUMULATIONS SUCH AS BRICK, BROKEN CONCRETE, LUMBER, ASHES, DIRT AND PLASTIC, SAND OR GRAVEL, AUTOMOBILE FRAMES OR PARTS, DEAD TREES AND OTHER BULKY, HEAVY MATERIAL SHALL BE DISPOSED OF AT THE EXPENSE OF THE OWNER OR PERSON CONTROLLING SAME UNDER THE DIRECTION OF THE DESIGNATED OFFICIAL.

SECTION 4. DEAD ANIMALS WILL BE DISPOSED OF AT THE EXPENSE OF THE OWNER.

SECTION 5. HAZARDOUS WASTES WILL BE DISPOSED OF BY AND AT THE EXPENSE OF THE OWNER. DISPOSAL WILL BE ACCORDING TO PRESCRIBED AND ACCEPTED METHODS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR APPROPRIATE AGENCY OF THE STATE.

SECTION 6. THE CITY DESIGNATED CONTRACTOR OR CITY PERSONNEL WILL NOT MAKE COLLECTION OF REFUSE WHERE SAME IS NOT PREPARED FOR COLLECTION AND PLACED AS DESIGNATED BY THE TERMS OF THIS ORDINANCE AND FAILURE TO COMPLY WITH THIS WILL CONSTITUTE A SEPARATE OFFENSE.

SECTION 7. THE PLACING OF REFUSE, OR ANY ARTICLE, THING, OR MATERIAL, IN ANY STREET WITHIN THE CITY LIMITS IS PROHIBITED.

SECTION 8. THE DISPOSAL OR BURNING OF REFUSE DESCRIBED IN THE FORGOING SECTIONS OF THIS ORDINANCE IS PROHIBITED IN THE CITY LIMITS.

SECTION 9. THE MEDDLING WITH REFUSE CONTAINERS OR RECEPTACLES OR IN ANY WAY PILFERING, SCATTERING CONTENTS IN ANY STREET WITHIN THE CITY LIMITS IS PROHIBITED.

SECTION 10. ANY PERSON OR FIRM HAVING SMALL LIMBS OR TREES WHICH SHALL NOT EXCEED 60 LBS. IN WEIGHT, AND OF SMALL QUANTITIES SHALL NOTIFY CITY HALL PERSONNEL. THESE WILL BE COLLECTED AT THE DATE SCHEDULED BY CITY PERSONNEL. THIS APPLIES TO THOSE WHO RESIDE WITHIN THE CITY LIMITS.

SECTION 11. REFUSE CONTAINERS SHALL BE KEPT CLOSED TIGHTLY. THE CONTENTS OF ALL CONTAINERS AND RECEPTACLES SHALL BE SO PROTECTED THAT THE WIND CANNOT BLOW OUT AND SCATTER SAME OVER THE STREETS, AND PREMISES OF THE CITY.

SECTION 12. THERE SHALL BE CHARGED, ASSESSED, AND COLLECTED THROUGH THE CITY OF POTH, FROM EACH RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL UNIT WITHIN THE CITY LIMITS AND PRESCRIBED REFUSE COLLECTION AREAS, SERVICE CHARGES THAT WILL BE SET AS PRESCRIBED BY THE CITY OF POTH. THESE CHARGES ARE INDICATED FOR NORMAL AMOUNTS OF REFUSE AT EACH PICKUP. SPECIFIC CHARGES WILL BE MADE IF THE AMOUNT OF REFUSE TO BE HANDLED IS IN EXCESS OF WHAT CAN BE HANDLED IN THE REGULAR PICKUP ROUTING. REGULATIONS WHICH DESIGNATE THE SIZE OF CONTAINERS AND RECEPTACLES MUST BE FOLLOWED. PICKUP OF REFUSE WILL NOT BE MADE FROM ANY CONTAINERS OTHER THAN THOSE MEETING THE SPECIFICATIONS SET OUT IN THE CITY ORDINANCE.

SECTION 13. ANY PERSON, FIRM, OR CORPORATION VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION, SHALL BE FINED IN ANY SUM NOT LESS THAN \$5.00 AND NOT MORE THAN \$200.00 OR THE CITY WILL RECLAIM THE ACTUAL COST OF PROPER DISPOSAL, WHICHEVER IS GREATER

SECTION 14. ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HERewith ARE HEREBY REPEALED.

SECTION 15. IF ANY SECTION, OR PART OF ANY SECTION, OR PARAGRAPH OF THIS ORDINANCE IS DECLARED INVALID OR UNCONSTITUTIONAL FOR ANY REASON, IT SHALL NOT BE HELD TO INVALIDATE OR IMPAIR THE VALIDITY, FORCE OR EFFECT OF ANY OTHER SECTION OR SECTIONS, OR PART OF A SECTION OR PARAGRAPH OF THIS ORDINANCE.

PASSED AND APPROVED ON THIS DAY, APRIL 15, 1996.



Mayor - Gene Maeckel

ATTEST:



City Secretary - Gladys Billimek