

# Chapter 11 Garbage and Trash

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## Subchapter A. In General

### Sec. 11.001. Definitions.

Unless the context requires a different meaning, the following terms, when used in this chapter, have the meanings indicated below:

- (1) *Alley* shall mean a paved asphalt or concrete drive of sufficient width to provide easy access for collection equipment.
- (2) *Approved bag* shall mean a bag meeting the most recently published specifications for the type of garbage or trash it contains. The director shall establish the specifications within these standards: (i) the specified bags must be readily available in the area, at a reasonable cost, (ii) the bags must allow efficient collection and handling, (iii) there may be different types of bags for different types of garbage or trash, and (iv) there may be distinctive tags or markings required for bags containing certain types of garbage or trash. The director is specifically authorized to specify recyclable bags for yard waste or other materials.
- (3) *Curbside* shall mean the area between the sidewalk and the roadway portion of a street or alley, or if there is no sidewalk, the area within ten feet of the roadway.
- (4) *Dwelling* shall mean a living unit such as a building or any part thereof used exclusively as living quarters for any number of individuals living together as a single housekeeping unit, including apartments, duplexes and multi-apartments.
- (5) *Garbage* shall mean solid waste consisting of animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food.
- (6) *Trash* shall mean solid waste consisting of newspapers, mixed paper, glass, cartons, yard cleaning and any other material commonly understood to be trash and eligible for disposal at an ordinary municipal landfill. The term "trash" shall also include items subject to the City's recycling program (cans, bottles, newspapers, etc.)

### Sec. 11.002. Role of director.

To the extent provided in this chapter, the director of the public works department or other person designated by the City Manager (referred to in this chapter as the "director") shall have jurisdiction over garbage and trash accumulated in the City, including collection, conveyance and disposal. The director shall establish regulations consistent with this Code establishing the schedules for regular collections, specifying the types of recycling materials, specifying approved bags and other containers and providing other regulations for preparation and placement.

However, no change in such regulations takes effect until published in the City's newsletter or utility bills.

### Sec. 11.003. Certain deposits prohibited.

(a) *In general.* It shall be unlawful for any person to: (i) scatter, throw or deposit any garbage, trash, or other rubbish, refuse or litter upon any street area or alley, or (ii) place, sweep, deposit or throw garbage, trash or other rubbish, refuse or litter within the City in such a manner that it may be carried or deposited by the elements upon or into any street area or any other premises different from the premises where it is placed, swept, deposited or thrown. *Exception:* This subsection does not apply to garbage or trash prepared and placed as required for basic collection by the City, at a dwelling for which fees under

this Chapter are non-delinquent.

(b) *Responsibility of owner, etc.* When prohibited material is found in a street area, it shall be the duty of each person who owns or controls adjacent premises to remove it, if the person knows that the material is present. In this subsection, "prohibited material" means material prohibited to be placed in the street area by subsection (a). It is an affirmative defense to prosecutions under this subsection that the material: (i) did not originate on the adjacent premises and (ii) was placed in the street area without the consent of any person in control of the adjacent premises.

(c) *Affirmative defenses.* The following are affirmative defenses to prosecutions under this section:

- (1) Because of hurricane or other calamity, it was not practicable to remove the material or to store it somewhere else.
- (2) The time and manner of placement of the material was specifically directed by an authorized representative of the City.
- (3) There was a permit in effect for a major development or major remodeling of the affected premises, and the premises are in full compliance with applicable regulations for work site conditions and clean-up (see, e.g., Section 6.407 of this Code).
- (4) The material was eligible for City collection under this Chapter, it was intended to be collected by the City as a special service, and it was in fact collected by the City and paid for as a special service.

**Sec. 11.004. Vacated premises to be cleaned.**

It shall be unlawful for any person who owns, occupies or controls premises which are vacated, or from which the occupant moves: (i) to fail or refuse to remove all garbage, trash and other rubbish from such premises or (ii) to fail or refuse to place the premises in a thoroughly sanitary condition within 24 hours after the premises are vacated or moved from.

**Subchapter B. City Collection System**

**Sec. 11.010. Collection system established; application.**

A City system of collecting garbage and trash at curbside or in alleys is hereby established. City collection applies to all dwellings but does not apply to schools, churches, business establishments, commercial, industrial or other premises used for business or non-dwelling purposes.

**Sec. 11.011. Preparation, placement, etc.; basic and special services.**

(a) *Basic Collections.* The basic fee covers basic collection of garbage and trash prepared and placed as follows:

<i>Type</i>	<i>Preparation</i>	<i>Placement (location)</i>	<i>Placement (time)</i>
Recycling materials designated by the director	Sorted by type, in paper bags or other containers designated by the director, not to exceed 40 pounds per bag.	Curbside	Not sooner than 6:00 PM on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)
Tree and hedge trimmings and limbs two to four feet long and not more than three inches in diameter.	Untied bundles or stacked.	Curbside adjacent to the dwelling unit of origin	Not sooner than the sixth day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)
Leaves, grass clippings, and small tree and hedge trimmings (up to one foot long and up to 0.25 inch in diameter)	In approved bags, not to exceed 40 pounds per bag. <i>Note:</i> The director may require recyclable bags.	Curbside adjacent to the dwelling unit of origin	Not sooner than 6:00 PM on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally two days per week.)
All other garbage and trash.	In closed and secured approved bags, not to exceed 40 pounds per bag.	Curbside adjacent to the dwelling unit of origin	Not sooner than 6:00 PM on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally two days per week.)

(b) *Special services.* The director may collect garbage, trash or other material not covered by the

basic fee, but shall charge special services fees as established by the City Council. A person desiring any such special service may notify the director, and the director may make reasonable efforts to provide the service within the limits of available resources. If garbage or trash is found at curbside, but not prepared or not placed as required for basic collection, the director may collect it and charge a special service fee to the occupant and person in control of the adjacent dwelling. A person desiring that material be collected or hauled by a non-City person must place it outside the street area.

(c) *Other materials.* Other materials, including paint, insecticides, chemicals, etc. may be collected under special programs established by the director from time to time. These may be handled as an adjunct to regular collections or as a special service.

**Sec. 11.012. Fees.**

(a) *Established.* A basic fee shall be charged each month for each dwelling to cover basic collections. Additional fees are charged for special services. The basic fees and special services fees shall be established from time to time by the City Council. The occupant of a dwelling and any other person who controls that dwelling are jointly responsible for the basic fees and any other fees for collection of garbage or trash from curbside adjacent to that dwelling.

(b) *Delinquent accounts.* All delinquent accounts are subject to suspension of garbage and trash collection. Service shall be resumed after suspension only on payment of accumulated fees for the period of collection and the period of non-collection.

(c) *Disputes; waivers.* The director is authorized to investigate any disputed fee and to make corrections. The director is authorized to waive a special services fee if: (i) the circumstances causing the fee were not under the control of the person charged or of any occupant or person in control of the dwelling in question, or (ii) other good cause shown. However, no waiver is effective unless described in a written memorandum from the director to the finance director. The memorandum must identify the account name, account address, amount waived and reason.

**Sec. 11.013. Accumulation of garbage and trash.**

Any unauthorized accumulation of rubbish, refuse, garbage or trash on any premises is hereby declared to be a nuisance and is prohibited. A person in control of the premises shall be given adequate warning to dispose of such accumulation, after which the City may cause the removal of the accumulation at the expense of the property owner.

**Sec. 11.014-11.015. [Reserved].**

**Sec. 11.016. Programs to encourage recycling, etc.**

From time to time, the City Council, by motion or resolution, may approve special programs to encourage recycling, mulching, composting and similar techniques to reduce the waste that the City must handle conventionally. A program may be in effect indefinitely or only for a limited time. As part of a program, the City Council may: (i) grant a credit against the City's solid waste fee for a user who participates in the program, which shall be an exception to the generally-applicable fee schedule and (ii) make available devices and equipment to users of the City's waste collection system, at a reduced cost or no cost. In each case, the benefits of the program to the City must be designed to equal or exceed the costs borne by the City, including both expenditures and fee credits.

**Subchapter C. Private Haulers**

**Sec. 11.021. When permit required.**

It shall be unlawful for any person, other than duly authorized employees and representatives of the City, to collect garbage or trash at curbside from any dwelling unit within the City, unless authorized to do so by a current and valid private hauler permit. It is an affirmative defense to prosecution under this section that the owner or person in control of the dwelling unit in question made a contract or other special arrangement for the collection of the garbage or trash in question.

**Sec. 11.022. Application; public convenience, etc.**

A person desiring a private hauler permit must apply in writing to the director and pay the prescribed fee. The director shall investigate each application and determine if the public convenience and necessity require the issuance of the permit, taking into account the existing services, the proposed service, the needs of the public, the costs of service and other related matters.

**Sec. 11.023. Issuance of permit; duration.**

If the director determines that public convenience and necessity require the issuance of a permit, the director shall issue the applicant the appropriate permit. No permit shall be transferable, and each permit shall expire at midnight on the second day of May following the date on which the permit was issued.

**Sec. 11.024. Revocation; appeal.**

Any permit issued under this chapter may be revoked or suspended by written notice from the director for any violation of this Code, other ordinance of the City, traffic law or state law, by the permittee or the operator of any vehicle of such permittee. Before issuing such a notice, the director shall make a reasonable attempt to contact the permittee and provide an opportunity for the permittee to respond to the allegations. Within five days after receiving such a notice, an appeal may be made to the City Council for reinstatement. The City Council shall give the appellant a hearing, and after the hearing, the City Council may reverse, affirm or modify the action taken.

**Sec. 11.025. Commercial collections; containers.**

(a) *In General.* Commercial collection rules shall apply to any school, church, business establishment, commercial, industrial or other premises not used exclusively for residential purposes in the City (collectively referred to below as “non-residential premises”). The City will not provide commercial collection of garbage or trash. Collection of commercial garbage and trash is the responsibility of the property owner or other person in control of the premises, who must provide adequate collection to prevent the unauthorized accumulation of garbage and trash. This may require a “dumpster” or other container for garbage or trash with a capacity larger than 95 gallons (referred to below as a “large container”).

(b) *Container regulations.*

- (1) It shall be unlawful for any person owning or controlling any non-residential premises to maintain or allow the outdoor accumulation of garbage or trash on (or adjacent to) the premises, except within a container that is:
  - (i) made of metal or other rigid material;
  - (ii) designed, constructed and maintained to completely enclose garbage or trash and prevent the entry of vermin; and
  - (iii) kept completely closed at all times, except when being filled, emptied or cleaned.
- (2) It shall be unlawful for any person owning or controlling any non-residential premises to place, use, maintain or allow any large container on those premises, if it does not comply with the additional criteria for large containers set out in subsection (c), below.
- (3) It shall be unlawful for any person to own any large container, or to place, lease, rent, control, empty or service it, if the container is:
  - (i) located on non-residential premises, and
  - (ii) does not comply with the additional criteria for large containers set out in subsection (c), below.
- (4) It shall be unlawful for any person to empty, clean or service any large container on any day after 7:00 PM or before 7:00 AM, or to knowingly cause or allow it to occur.

(c) *Additional criteria for large containers.* Large containers on non-residential premises must: (i) comply with the zoning ordinance as to location, screening, etc.; (ii) be located at least five feet from any property line or street area (although the zoning ordinance may require a greater distance), and (iii) have a conspicuous notice reading as follows: UNLAWFUL TO EMPTY THIS CONTAINER AFTER 7:00 PM OR BEFORE 7:00 AM IN THE CITY OF WEST UNIVERSITY PLACE. THIS CONTAINER MUST BE KEPT CLOSED EXCEPT WHEN BEING FILLED, EMPTIED OR CLEANED.” The notice must be printed with red letters at least two inches high on a white background, and it must be permanently affixed (or painted) in a location where it is plainly visible to any person filling or emptying the container.