

TITLE 17

REFUSE AND TRASH DISPOSAL<sup>1</sup>

CHAPTER

1. REFUSE STORAGE AND COLLECTION.

CHAPTER 1

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SECTION

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17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (Ord. 1023)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (Ord. 1023)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

17-103. Containers. (1) Residential refuse containers shall be constructed of strong and durable material, shall be rodent and insect proof, and shall not be readily corrodible. They shall have a capacity of not more than thirty-two gallons and not less than twenty gallons and, when filled, shall weigh not more than seventy-five (75) pounds. Residential refuse containers shall be equipped with handles on both sides to facilitate emptying. They shall be equipped with tight fitting lids or covers to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow. The lids or covers shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by the collector.

(2) Refuse containers shall be maintained in good order and repair. Any container that may have a ragged or sharp edge or other defects liable to injure the persons collecting the contents thereof shall be replaced. The city sanitation department will affix to any defective container a tag identifying such defects and giving the owner proper notice that the container must be replaced. When a person fails to repair or replace containers after notice has been given, further collection will be discontinued until proper containers have been provided. The collectors will exercise every effort to protect the container from damage as a result of unloading or loading, but the city will not be held liable for such damages.

(3) Public housing, business, mobile home parks and multi-family dwelling with more than four thirty-two gallon containers shall have a container for mechanical pickup.

(4) The Superintendent of Streets and Sanitation shall determine based on economic considerations and the efficiency of collection the size, location and service provided for all containers furnished by the customer. Hereinafter, all containers shall be replaced by the customer at customer's cost. All containers will be emptied in a minimum of once each week.

(5) Each customer(s) will be notified in writing the size, location, frequency of service and the names of other customers that are assigned to share the container. The customer(s) will be responsible for preventing litter from accumulating around the container. The customer shall notify the city of anyone other than the assigned users that may be putting refuse into the container.

(6) Business and industrial establishments not served by a city-owned receptacle shall provide a sufficient number of containers to fully contain all refuse accumulated between collection periods. The size of the containers shall not exceed the size authorized for residential users.

(7) Refuse containers must be located outside of buildings. They shall be placed where they will not become a traffic or fire hazard and will be accessible to city sanitation employees.

(8) Collections scheduled for business and industrial establishments furnishing their own containers will be served by the residential collection crew on the same days as the residential customers in the vicinity.

(9) Containers shall be placed at the curb or edge of pavement on the designated collection day and removed on the same day.

(10) Containers shall be placed back of the curb or between the edge of the pavement and the roadway ditch if there is sufficient space.

(11) Property abutting on a public alley shall place the containers not more than five feet from the property line. If the back property is fenced, the containers shall be placed on the alley side of the fence. If sufficient space is not available between the fence and the alley the containers may be placed inside the fence if easy access to the containers is provided.

(12) Exceptions to alley service may be made by the DPW if it is impractical using sanitation department collection equipment or containers can not be served because of some physical barrier.

(13) The Superintendent of Streets and Sanitation shall have the discretion to modify the requirements of containers, number, size limitations, and frequency of pickup in cases of multi-family dwelling and for business and industrial use. However any multi-family dwelling, trailer park or public housing shall have a conforming receptacle for mechanical pickup.

(14) The Superintendent of Streets and Sanitation shall have the authority to access a service charge to any customer requiring more pickup than reasonable for the type of business being operated. Public housing, business, mobile home parks and multi-family dwelling with more than four thirty-two gallon containers shall have a container for mechanical pickup. (Ord. 1023)

17-104. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (Ord. 1023)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse containers belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (Ord. 1023)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the superintendent of streets and sanitation. Collections shall be made regularly in accordance with an announced schedule. (Ord. 1023)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (Ord. 1023)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (Ord. 1023)

17-109. Refuse not to be collected unless properly stored. In no case will it be the responsibility of the city sanitation department to shovel or pick up from the ground any accumulation of refuse. (Ord. 1023)

17-110. Refuse from construction, demolition, or repairs. In no case will it be the responsibility of the city sanitation department to collect refuse resulting from construction, demolition, or repairs of buildings, structures, or appurtenances and private tree businesses. The property owner/contractor, or the person having same in charge, shall be responsible for the disposal of such refuse. (Ord. 1023)

17-111. Dumping in streams, sewers, and drains prohibited. It shall be unlawful to dump refuse in any form into a stream, ditch, storm sewer, sanitary sewer, or other drain. (Ord. 1023)

17-112. Fee schedule. Charges for collection of refuse as defined herein are determined by a fee schedule approved by the city council. Revisions and exceptions to the fee schedule will be approved by the city council.

Charges for the collection of refuse shall be billed on a monthly basis to coincide with the billing period prescribed by the Harriman Utility Board for electric, gas, water and sewer charges. Further, and unless otherwise prescribed by the city council, all charges for the collection of refuse shall be included as part of the monthly bill mailed to those customers to whom this chapter applies, and said refuse collection charges shall be itemized thereon.

Charges for the collection of refuse not paid on or before the due dates defined herein are delinquent. Any person failing or refusing to pay said charges when due shall be liable for interest on such delinquent charges from the due date at the rate of five percent (5%) per billing period of the first \$250.00 owed thereon, plus one percent (1%) of any remaining balance over \$250.00 owed thereon. Such interest shall become a part of the charges herein required to be remitted.

When charges for the collection of refuse are not paid when due and are delinquent, the Harriman Utility Board is further authorized to include the

amounts thereof owing on any collection notice sent or delivered by the utility to those customers to whom this chapter applies; however, the failure or refusal of any such customer to pay the refuse collection charge shall not be a reason or cause for the discontinuation of utility services. (Ord. 1046)

17-113. Penalties for non-compliance. Violations of this chapter shall be punished in accordance with the general penalty provisions of this municipal code of ordinances. In addition to the penalties provided herein, the city may enforce the provisions of this chapter by instituting legal proceedings for damages, to collect any charges due and owing the city hereunder, plus interest thereon, and/or to enjoin the violation of its provisions, in any court of competent jurisdiction, and such court may grant a judgment for the charges then due and owing, plus interest thereon, a temporary or permanent injunction restraining, prohibiting or otherwise enjoining and violation of the provisions of this chapter, and/or other relief, including the awarding of damages, to which the city may prove itself entitled. (Ord. 1046, as replaced by Ord. #0714-01, July 2014)

17-114. Private disposal of debris. Debris generated from the following activities will not be picked up by the city and such debris must be removed and properly disposed of by the owner at his/her/its expense:

- (1) Debris from contracted renovations and/or repairs.
- (2) Debris from repairs, evictions and abandonments, etc. by owners, companies or corporations that lease out more than one (1) single family rental home.
- (3) Debris from repairs, evictions and abandonments, etc. by owners, companies or corporations that own multi-unit apartment complexes.
- (4) Debris from repairs, evictions, and abandonments, etc. by owners, companies or corporations operating storage facilities. (as added by Ord. #0714-01, July 2014)

17-115. City disposal of debris. The City of Harriman will continue to pick up debris from all activities not covered by § 17-114, subject to the fee schedule adopted pursuant to § 17-112. (as added by Ord. #0714-01, July 2014)