

CHAPTER 6

SANITATION SERVICE

SECTION:

- 8-6-1: Purpose*
- 8-6-2: Application*
- 8-6-3: Definitions*
- 8-6-4: Accumulation of Refuse*
- 8-6-5: Deposit of Refuse on Public Property*
- 8-6-6: Unlawful Use of Refuse Containers*
- 8-6-7: Sanitation Service Charge*
- 8-6-8: Removal of Waste*
- 8-6-9: Residential Waste Containers--Regulations*
- 8-6-10: Commercial Containers*
- 8-6-11: Use of Containers*
- 8-6-12: Compost Piles*
- 8-6-13: Collection of Waste Containers*
- 8-6-14: Exceptions to Waste Removal*
- 8-6-15: Scattering of Waste*
- 8-6-16: Licensing and Contracting*
- 8-6-17: Sanitary Service Charges*
- 8-6-18: Billings for Sanitary Service*
- 8-6-19: Property Owner/Landlord Responsible for Payment of Sanitation User Fee*
- 8-6-20: Termination of Services*
- 8-6-21: Violations*

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.

Title 8-6-1

The high 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.

8-6-2: **APPLICATION.** This chapter applies to the delivery of sanitation services to all residential, commercial and industrial properties within the City.

8-6-3: **DEFINITIONS:** For the purpose of this chapter, the definitions used in Chapter 9, Title 5 of this Code shall also apply to this chapter. Certain other terms shall have the meanings ascribed below:

**CONTAINER,
COMMERCIAL:** A container for waste having a capacity in excess of 1 cubic yard.

**CONTAINER,
RESIDENTIAL:** A container for waste having a capacity of 32 gallons or less.

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

SANITARY SERVICE: The availability of sanitation services provided by the Sanitation Department.

8-6-4: **ACCUMULATION OF REFUSE:** It shall be unlawful for any occupant to accumulate or allow the accumulation of refuse upon property under his 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.

8-6-5: **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.

8-6-6: **UNLAWFUL USE OF REFUSE 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.

8-6-7: **SANITATION SERVICE CHARGES:** Sanitation services for

Title 8-6-2

all occupants of real property located within the City will be provided subject to the occupant's payment of the charges and fees established hereafter, and subject to the provisions of this chapter. Every occupant shall pay a sanitation service charge in accordance with the rate schedule set forth in this chapter irrespective of whether waste is removed from the occupant's residence or business during the period for which the charge is made. If no waste is removed from the occupant's premises during the billing period, then the occupant shall be assessed the minimum charge for the type of sanitation service available.

8-6-8: **REMOVAL OF WASTE:** The Sanitation Department will remove waste deposited in residential and commercial waste containers in accordance with the provisions of this chapter. The Sanitation Department may decline to remove waste from any container which does not meet the requirements of this chapter or waste which is not placed in such waste containers. Notwithstanding such removal, every occupant of a residential and commercial property shall have the obligation to remove all waste accumulating on property under his or her control, in accordance with Section 8-6-4 of this chapter.

8-6-9: **RESIDENTIAL WASTE CONTAINERS--REGULATIONS:** All residential waste containers shall consist of containers furnished by the City or approved by the City prior to being placed into service by the customer. All residential waste containers shall be constructed and equipped in a manner compatible with the mechanized equipment of the sanitation department. The sanitation department may promulgate reasonable rules and regulations regarding the construction of customer furnished residential waste containers in order to assure uniformity, compatibility, adequacy and durability of the container.

8-6-10: **COMMERCIAL CONTAINERS:** All commercial containers shall consist of containers furnished by the City or approved by the City prior to being placed into service by the customer. All commercial containers shall be constructed and equipped in a manner compatible with the mechanized equipment of the Sanitation Department. The Sanitation Department may promulgate reasonable rules and regulations regarding the construction of customer-furnished commercial containers in order to assure uniformity, compatibility, adequacy and durability of the container.

8-6-11: **USE OF CONTAINERS:** Any person who damages a waste container belonging to the City of Shelley shall be liable to the City for the replacement cost or repair cost of the container damaged. The cost of repairing or replacing any damaged container shall be added onto the monthly billing statement for the customer responsible for the container.

8-6-12: **COMPOST PILES:** Compost piles may be maintained for fertilization purposes, and matter used for such purposes may be transported, kept
Title 8-6-3

and used in any manner which does not emit obnoxious or offensive odors.

8-6-13: **COLLECTION OF WASTE CONTAINERS:** The Sanitation Department will collect waste containers in accordance with a collection schedule established and promulgated by the Sanitation Department. Occupants needing more frequent removal of waste may request such removal from the Sanitation department, and the removal will be provided in accordance with the Schedule of Rates set forth hereafter. All waste containers shall be placed adjacent to the alley line of any premises on the day scheduled for pickup, or if the premises are not adjacent to an alley, then at the street curb or inside edge of the sidewalk where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection. All empty waste containers shall be withdrawn from the curb or inside edge of the sidewalk as soon as possible after removal of the waste from the container.

8-6-14: **EXCEPTIONS TO WASTE REMOVAL:** The Sanitation Department shall have no duty to remove the following waste:

- (A) Dirt, earth or debris from construction or building renovation.
- (B) Appliances, large or heavy machines, tree trunks or other debris or waste not placed within a waste container meeting the specifications of this chapter.
- (C) Hazardous waste, toxic chemicals, waste oils, lubricants or any other substance harmful to life or limb.
- (D) Dead animals.
- (E) Dirt or earth debris from construction or building renovation; rocks, stones, automobile bodies and parts, washing machines, refrigerators, hot water tanks, stoves, tree trunks and stumps and other similar materials, dead animals, furniture, building materials such as mortar, plaster, scrap lumber, broken concrete and brick shall be collected and disposed of by the building contractor, person, owner or occupant of the premises.
- (F) Waste oils and lubricants from garages, service stations, machine shops, restaurants and other similar establishments shall be disposed of by the person responsible for the same.

Notwithstanding the foregoing, every occupant of property within the City shall be fully responsible to remove such waste from his or her premises.

8-6-15: **SCATTERING OF WASTE:** It shall be unlawful to scatter the contents of any waste container upon any street, alley or public park within the City.

8-6-16: **LICENSING AND CONTRACTING:** The Mayor and City Council shall have the sole authority:

- (A) To license, contract or perform all services pertaining to collection and disposal of refuse under this chapter.
- (B) To establish reasonable fees for refuse collection and disposal services.
- (C) To enter into contracts with one or more contractors.
- (D) To establish reasonable rules and regulations governing the conduct and operation of such licensees or contractors.
- (E) The Council may determine to have such services performed by City services and in such event, 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 recycling business, salvage yard, second-hand dealer or other similarly licensed enterprise.
- (F) Should the Council make a contract with a licensee or contractor for such services, then the Council may require of any such collector or contractor a bond in a reasonable amount, the condition of which shall be the satisfactory performance of the contract.

8-6-17: **SANITARY SERVICE CHARGES:** There shall be assessed for each residence or business whether occupied or not, a monthly charge and fee based upon the services available, and which shall be established by resolution of the City Council, which rates shall be posted and maintained in the office of the Clerk of the City of Shelley and may be amended from time to time by resolution of the City Council. Notwithstanding the foregoing, as a “snowbird” exception, any property owner who is temporarily absent from his or her residential property in the city between October 15 and the following April 15 for at least sixty (60) consecutive days may be charged a discounted alternative minimum monthly charge sufficient to cover the cost of sewer bond payments and guarantees, and the regional wastewater treatment plant operations and maintenance expenses.
(Ordinance 632 4/12/22) (Ordinance 636 6/28/22)

8-6-18: **BILLINGS FOR SANITARY SERVICE:** Bills for sanitary service shall be rendered monthly based upon billing cycles determined by the City and shall be included within the utility bills for such premises for other City services and utilities wherever applicable. All bills shall be due on or before the 10th day of the month following the date of the billing. Billings shall be mailed to the address stated in the customer's application for utility services, or such other address as may be delivered to the City Utility Clerk in writing.

8-6-19: **PROPERTY OWNER/LANDLORD RESPONSIBLE FOR PAYMENT OF SANITATION USER FEE:** The owner of property to which sanitation services are provided by the City shall be responsible for the payment of the
Title 8-6-5

sanitation user fee assessed to that property. Owners of rental properties shall be responsible to pay the sanitation user fee for all rental units. The City staff shall bill the sanitation user fee to the property owner for all rental units where City sanitation services are provided. For example, if a property owner owns a duplex, the property owner shall be billed for the sanitation service to both rental units at the duplex and be responsible to pay the sanitation user fee to the City. Likewise, if a property owner owns an apartment building with twenty (20) units in it to which the City provides sanitation services, then the property owner shall be responsible to pay the City's sanitation user fee for the twenty (20) units.

8-6-20: **TERMINATION OF SERVICES:** In the event any occupant or customer fails to pay the monthly charges for the entire utility bill, including the sanitation services, or otherwise fails to comply with the provisions of this chapter, then the City may terminate the water or sewer service to the premises receiving such services wherein the billing has failed to be paid.

8-6-21: **VIOLATIONS:** Any violation of the provisions of this ordinance shall be deemed an infraction and subject to citation and enforcement under the Criminal Code of the City of Shelley.