

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

1060.01 DEFINITIONS.

As used in this chapter:

(a) "Dwelling unit" means a building or part of a building consisting of a room or a suite of contiguous and directly connected rooms, arranged, intended or designed for occupancy by one family for living, cooking and sleeping purposes. "Dwelling unit" may include space used solely as quarters for personal guests of the principal occupants, or other nonpaying transients, if no cooking or other kitchen equipment is provided or permitted and for which no rent is paid by the occupant of such quarters except as hereinafter provided. Premises for which the principal resident family receives rent or other compensation by reason of occupancy by not more than two persons may be included as a part of such dwelling unit only if:

(1) Such premises are contiguous to and comprise a part of such dwelling unit.

(2) No cooking or other kitchen facilities are furnished or permitted to the occupants of such premises.

(3) No advertising signs are displayed.

(4) The exterior character of the dwelling is not changed.

(b) "Dwelling" means a building, other than a camp car or trailer or other car on or off wheels, which contains one or more dwelling units.

(c) "Single-family dwelling" means a detached dwelling arranged, intended or designed to consist of one dwelling unit.

(d) "Two-family dwelling" means a detached dwelling arranged, intended or designed to consist of two dwelling units.

(e) "Family" means one or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding, lodging or tourist house, a sorority or fraternity house, or a hotel.

(f) "Garbage" means all waste or offal of fish, fowl, fruit, vegetable and animal matter resulting from the preparation of food for human consumption from houses, kitchens, hotels, restaurants, markets and commission houses.

(g) "Refuse" means paper, barrels, boxes, baskets, wood, rags, old shoes, leather, carpets, broken glass, crockery, tin cans, rubber and similar discarded materials. It does not, however, include any material in the nature of earth, sand, brick, stone, plaster or other substances that may accumulate as a result of building operations.

(Ord. 1990-43. Passed 4-4-90.)

1060.02 ONE, TWO AND THREE-FAMILY DWELLINGS; FEES.

(a) Each owner, agent, lessee or occupant requiring the removal of garbage and/or refuse from any single, two-family or three-family dwelling shall provide suitable portable approved containers for

holding garbage and refuse. All garbage, before being deposited in cans, shall be thoroughly drained of all water and other fluids and securely wrapped. In addition:

(1) Garbage and refuse cans shall be made of metal or its equivalent, shall be watertight and shall be provided with suitable handles on the outside and with a tightly fitting cover which shall not be removed except when necessary in the use of such cans.

(2) Each can shall have a capacity of not less than ten gallons, nor more than thirty gallons, and of not more than fifty pounds gross weight.

(3) Newspapers, magazines and flattened cardboard shall be tied into bundles of not more than fifty pounds and not exceeding dimensions of four feet, by two feet, by two feet.

(4) Lumber shall be broken down and cut into not more than four feet lengths, and cord tied together in bundles of not more than fifty pounds.

(5) Tree branches and brush trimmings shall be cut down to not more than four feet in length and two feet in diameter, bundled and cord tied.

(6) Twenty to thirty-gallon heavy-duty plastic bags, tied or wire closed, may be used for containing light refuse.

(7) Large objects, such as hot water tanks, appliances and furniture, shall be placed intact on tree lawns for regular collection.

(8) Carcasses of dead cats, dogs and other animals are not classed as garbage or refuse and are prohibited from being placed in any container. The Service Department will provide special pick-up for these items.

(Ord. 1994-163. Passed 11-16-94.)

(b) The Finance Director shall establish by September 1 of each year, an estimate of the next year's solid waste collection costs and projected fees. The fees shall be determined as follows:

(1) Estimating the next year's expected solid waste collection costs.

(2) Estimating the year-end balance in Fund #251 (Solid Waste Disposal).

(3) The Estimated "Required Resources" shall be the sum of:

A. Next year's expected costs;

B. Plus the repayment of any expected advances during the current year;

C. Less the expected year fund balance;

D. The sum shall be increased by the delinquency percentage experienced in the current year's first half collection of the refuse assessments by the County Auditor.

(4) As of August 1 of the current year, the Finance Director shall determine and identify the number of parcels having a one-family, two-family or three-family dwelling listed on the County Auditor's records that:

A. Are not qualified for the Homestead Exemption. To calculate the number of "Shared Charges", the total number of these dwelling units in each residential dwelling will be the first factor.

B. Are listed on the County Auditor's records as being qualified for the Homestead Exemption. To calculate the number of "Shared Charges", the total number of these dwelling units in each residential dwelling, multiplied by 50%, will be the second factor.

C. The two factors will then be added together to determine the total number of "Shared Charges".

D. The estimated "Required Resources" will then be divided by the number of "Shared Charges" to determine the "Annual Charge" of garbage and refuse collections for all each dwelling unit of all residential dwellings in the City.

E. Homeowners who are not listed on the County Auditor's records as being qualified for the Homestead Exemption as of August 1, of one-family, two-family, or three-family dwellings, shall be charged the full amount of the "Annual Charge" for each of the units in the dwelling.

F. The homeowners who are listed on the County Auditor's records as being qualified for the Homestead Exemption as of August 1 of one-family, two-family, or three-family dwellings shall be charged 50% of the amount of the "Annual Charge" for each of the units in the dwelling.

(5) A listing of all residential parcels with annual charges for garbage and rubbish collections shall be certified to the County Auditor in time for the charges to be added to the tax duplicate and collected in the next collection year.

(Ord. 1999-97. Passed 11-17-99; Ord. 2007-45. Passed 7-25-07; Ord. 2012-99. Passed 12-19-12.)

1060.03 MULTIFAMILY DWELLINGS. (REPEALED)

(EDITOR'S NOTE: Section [1060.03](#) was repealed by Ordinance 1990-43, passed April 4, 1990.)

1060.04 COMMERCIAL ESTABLISHMENTS. (REPEALED)

(EDITOR'S NOTE: Section [1060.04](#) was repealed by Ordinance 1990-43, passed April 4, 1990.)

1060.05 GENERAL REGULATIONS.

The Director of Service may promulgate and enforce additional rules and regulations. However, he or she shall be guided by the following:

(a) City collection of garbage and refuse shall be made at the curb only with a central place of pick-up.

(b) Service Department sanitary collection vehicles shall not enter private property for collection of garbage, refuse or such, except where the Service Director determines that hazardous conditions exist. Before sanitary collection vehicles will enter on private property, the owner of such property must sign a waiver form holding the employees and the City harmless from any and all liabilities arising out of such entrance and exit.

(Ord. 1990-43. Passed 4-4-90.)

(c) No person shall deposit any garbage or waste materials, or permit the same to be deposited, any place in the City, except in approved, leakproof (tight-fitting) and covered receptacles as required in this chapter and within his or her own premises or on premises under his or her control. **No such receptacle shall be stored or placed closer than twenty-five feet to any building used in whole or in part as a place for human habitation. No such receptacle shall be stored or placed in the front of any building line.** Any receptacle on property, other than single-family and two-family residences, that can be seen from the first floor of a residence, or from the street, must be totally fenced and screened from sight in a manner approved by the Building Commissioner. A building permit is required for such enclosure.

(Ord. 1994-64. Passed 7-13-94.)

(d) All refuse and garbage containers shall be placed at the curb the evening before (not earlier than 6:00 p.m. the day before collection or later than 8:00 a.m. of the day for regular pick-up) and shall be returned to the place of storage upon the day of collection. No refuse or garbage container shall be stored or placed in front of the rear building line of any property at any other time.

(e) It is the intention of this chapter that there shall be no doubling up. Each family or person occupying a separate place of abode shall make separate provisions for the collection and removal of garbage and/or refuse. No garbage or refuse shall be placed, or allowed to be placed, for removal except in the receptacles provided for that purpose by the person so placing such garbage and/or refuse.

(Ord. 1990-43. Passed 4-4-90.)

1060.06 DISPOSAL OF TELEVISION PICTURE TUBES.

(a) Any person desiring to dispose of a television picture tube through trash collection provided for by the Service Department shall contact the Department at least twenty-four hours prior to placing any picture tube on the tree lawn for trash pick-up.

(b) The Director of Service is hereby authorized and directed to make arrangements for the prompt special pick-up of all television picture tubes in such a manner as to protect the public and Municipal employees from the danger of explosion.

(Ord. 1990-43. Passed 4-4-90.)

1060.07 COLLECTION FEES; LIST OF ACCOUNTS. (REPEALED)

(EDITOR'S NOTE: Section [1060.07](#) was repealed by Ordinance 1990-43, passed April 4, 1990.)

1060.08 EARLY PLACEMENT OF GARBAGE FOR PICK-UP.

Consideration is hereby allowed for early placement of garbage for pick-up for senior citizens, handicapped, disabled and all other residents in the City from the beginning of Standard Time to the end of Standard Time annually during Spring, Fall and Winter months only.

(Res. 2000-092. Passed 11-15-00.)

1060.09 GARBAGE AND RUBBISH DISPOSAL AND COLLECTION OF FEES.

Any expense or cost incurred by the City for collecting and disposing of garbage and rubbish shall be paid by the owner of the building or premises. This includes any unpaid fees for garbage and rubbish removal as outlined in Section [1060.02](#)(b). These expenses and costs incurred by the City may be recovered by an action at law or assessed against the lands of the owner, shall become a lien thereon and shall be collected in the manner provided by law for assessments.

(Ord. 2005-122. Passed 9-7-05.)

1060.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 1990-43. Passed 4-4-90.)