

CHAPTER 20. SOLID WASTE

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Article 20-1. In General

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20-1-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

(a) "Cinders" means the residue of materials burned in boilers, furnaces and heating plants of public buildings, places of business, apartment houses, hotels and manufacturing plants.

(b) "Community waste" means lawn cuttings, clippings from bushes and shrubs, leaves, sweepings from yards, tin cans, boiler ashes, newspapers, magazines, cardboard cartons, and stove ashes (but not building materials).

(c) "Garbage" means swill and all animal, vegetable and food refuse from kitchens of residences, hotels, cafes restaurants and places where food is prepared for human consumption.

(d) "Market waste" means condemned or decayed or unsound vegetables, meat, fish and fruit, and all waste and offal thereof from markets, stores and factories, and all vegetable waste from such markets, stores and factories.

(e) "Night soil" means the contents from privy vaults, cesspools, septic tanks, grease tanks and water closets.

(f) "Place of business" means any place in the County in which there is conducted or carried on principally or exclusively any pursuit or occupation by any person or persons for the purpose of gaining a livelihood.

(g) "Public buildings and places" means office buildings, theaters, garages, auto camps, hotels, clubs, churches, schools, hospitals or other places of similar character.

(h) "Refuse" means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including but not limited to, metal, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral wastes; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles. Refuse shall not, however, include earth and wastes from building operations, nor shall it include solid wastes resulting from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations, such as food-processing wastes, boilerhouse cinders, lumber, scraps and shavings.

(i) "Residences" means buildings or dwellings comprising not more than three (3) dwelling units designed for separate housekeeping tenements and where no business of any kind is conducted except such home occupations as are defined in the Zoning Ordinances of the County. Condominiums shall be deemed residences for the purposes of this Chapter.

(j) "Scavenger" means any person who engages in the business of collecting, carrying, transporting or hauling garbage, market waste, trade waste, dead animals, night soil or other refuse.

(k) "Stove ashes" means the residue of material burned in stoves and furnaces in private residences, but not the residue from furnaces in apartment houses, hotels, business houses, heating or manufacturing plants.

(l) "Trade waste" means all discarded wooden boxes, barrels, broken lumber, cardboard boxes, cartons, waste papers, leather, rubber, excelsior, cuttings, sweepings, rags and other flammable waste materials and all discarded trade or manufacturing refuse from stores, factories or other places of business which are not included within the definition of garbage, stove ashes and market waste. (R.O. 1956, Section 3-9-1)

20-1-2. Enforcement and supervision.

All scavenger works shall be subject to the direction and control of the County Health Department, and the County Health Department shall enforce the provisions of this Chapter in reference to garbage and the collection thereof. The County Health Department shall have authority to issue and require permits and establish appropriate fees to direct and control the provisions of this Chapter. (Ord. No. 1973-9, Section 3-9-2, 1-2-74; Ord. No. 2016-9, 3-1-16)

20-1-3. Complaints.

It shall be the duty of the County Health Department (or other appointed official) to answer and investigate all complaints, and when necessary, in its judgment, to declare the unsanitary condition a public nuisance.

20-1-4. Powers of condemnation.

It shall be the duty of the County Health Department (or other appointed official) to declare worn-out, rusted or filthy containers, as described in this Chapter, public nuisances; and it shall be unlawful for any person, group of persons or commercial establishment to continue to use said containers. It shall be the duty of such person, persons or commercial establishment to clean or replace said containers with adequate containers as described in this Chapter.

20-1-5. Fees for the use of County landfill areas.

Fees and charges associated with the use of County landfills shall be adopted by the Board of County Commissioners, and the amount thereof shall be set at the discretion of the County Commissioners.

20-1-6. Dumping illegal.

It shall be unlawful for any person to sweep into or deposit garbage, paper or other rubbish in any gutter or ditch within the County limits, or to empty in any gutter or ditch within the County limits, any swill, house slops, or other filthy refuse. It shall be unlawful to deposit or dispose of used petroleum products or other chemical waste in any gutter, ditch or body of water in the County. It shall also be unlawful for any person to dump any refuse, garbage, paper, trash, junk, market waste, trade waste, night soil, used petroleum products or other hazardous chemical waste on any premises in the County, except in an area designated by the County Health Department (Ord. No. 1973-9, Section 3-9-3, 1-2-74; Ord. No. 2003-37, 11-4-03)

20-1-7. Waste disposal methods condemned.

(a) It shall be unlawful to drain, empty or discharge any of the contents of any cesspool, septic tank, house sink, or any other receptacle receiving human wastes into any open ditch, open or closed drain, open or closed irrigation stream, or into any other body of water, or onto the surface of the ground.

(b) Whenever in the opinion of the health officer any privy, privy vault, cesspool, or septic tank has become a menace to health, the Health Department shall have the power to order such privy, septic tank, or cesspool disinfected or filled in and abandoned. (Ord. No. 1973-9, Section 3-19-15, 1-2-74)

20-1-8. Burning of waste.

It shall be unlawful to burn any garbage, market waste or other organic or offensive refuse in the open air or in any furnace or stove within the County.

It shall be unlawful to burn papers, excelsior, trade waste or any other material which may be blown about by the wind anywhere in the County unless the same is burned in a stove, fireplace, furnace or in an incinerator approved by the State Air Conservation Committee.

20-1-9. Receptacles for transportation.

It shall be unlawful for any person to haul, convey or transport through or upon any of the public streets any garbage, ashes, market wastes, trade wastes, night soil, loose papers, scrap lumber, excelsior, tree limbs, bush clippings, lawn clippings, house refuse, yard refuse, liquid wastes, or any other refuse materials, in open trucks, open trailers, or other open conveyances, unless covered completely with a heavy-duty canvas or other heavy acceptable material at all times when the vehicle is being used for the collection of, or carrying, transporting, or hauling of garbage, market waste, night soil, dead animals or other refuse, and is to be driven for a distance of five (5) blocks or more without making a stop for collection. (R.O. 1956, Section 3-9-10)

20-1-10. Spilling on streets and property.

It shall be unlawful for any person engaged in the transportation of garbage, trade waste, rubbish or other matter of any kind, to permit, allow, or cause any of said matter to fall or remain on any property, place building, premises, street, road or highway.

It shall be the duty of any person engaged in the transportation of garbage, market waste, trade waste, rubbish or matter of any kind to see and insure that all such matter is procured and disposed of by himself, his agents or employees, in a manner which shall not be offensive or filthy in relation to any person, place, building, premises, street, road or highway. (R.O. 1956, Section 3-9-9)

20-1-11. Delay on streets.

It shall be unlawful for any person to suffer, permit or allow any vehicle loaded with garbage, slops, swill, market waste or other refuse to be or remain standing upon any public street within the County, any longer than may be necessary for the purpose of loading and transporting same. (R.O. 1956, Section 3-9-11)

20-1-12. Receptacles required.

It shall be the duty of every owner, lessee or occupant of any building, premises or place of business to provide:

(a) suitable and sufficient metallic, plastic or other approved receptacles with tight-fitting lids for receiving and holding garbage, market waste and other wet refuse that may accumulate from said building, place of business or upon said premises or the portion thereof under the control of such person;

(b) suitable and sufficient receptacles for receiving and holding trade waste and other dry refuse that may accumulate from said building, place of business or upon said premises or the portion thereof under the control of such person.

20-1-13. Acceptable refuse receptacles.

It shall be unlawful for any person to deposit garbage or other wet refuse in wooden boxes, barrels or pasteboard cartons. Trade waste and dry refuse may be deposited in wooden boxes, pasteboard cartons, barrels or similar receptacles; provided, such receptacles shall be of adequate construction to prevent garbage from being scattered from faulty bottoms, etc. Such receptacles must have wide necks and mouths to prevent clogging and littering. All pasteboard boxes shall be disposed of with their contents. Garbage and refuse of every kind may, however, be disposed of in properly and sufficiently treated weather-resistant bags manufactured specifically for use in garbage and refuse collection and having a twenty (20) to thirty (30) gallon capacity for receiving and holding garbage, market waste and other refuse.

20-1-14. Misuse of receptacles.

It shall be unlawful for any person to willfully or negligently break, deface or injure any receptacle used to contain garbage or other refuse, or to do or permit to be done in connection with such receptacles anything which shall be damaging to the property of another.

20-1-15. Littering.

It shall be unlawful for any person to litter or cause to be littered any property, place, building, premises, street, road or highway with the contents of garbage

or refuse receptacles, or in any other manner, in a manner which shall be offensive or filthy in relation to any person, place, building, premises, street, road or highway.

20-1-16. Private storage of garbage and refuse.

It shall be unlawful for any person or commercial establishment to place receptacles for the storage of garbage, market waste, trade waste or other refuse in such a locality or position that they shall be filthy, unsightly or offensive to any person inhabiting premises contiguous to such storage facility. Such conditions shall be deemed to constitute a public nuisance.

20-1-17. Uncovered garbage.

It shall be unlawful for any person to place or permit to remain anywhere in the County any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered metal, plastic or other approved container.

20-1-18. Wind-blown refuse.

It shall be unlawful for any person to cause or permit to accumulate in the County except in a covered container any dust, ashes or trash of such material that it can be blown by the wind.

20-1-19. Accumulation of refuse on premises.

It shall be unlawful for any person to permit night soil, or other refuse, or dead animals to remain in or on any premises within the County. (R.O. 1956, Section 3-9-12)

20-1-20. Removal of refuse.

It shall be unlawful for any person to refuse to remove all garbage, manure, night soil, ashes, dead animals and other refuse and offal to a place designated by the health council within a reasonable time after notice is given by the Health Department to do so. (R.O. 1956, Section 3-9-13)

20-1-21. Dead animals—prompt removal required.

It shall be the duty of every owner of any animal found dead within the County to immediately remove the same. It shall be unlawful for any person knowingly to permit any dead animals to be or remain upon any public street or any premises within the county.

Cross reference - Animals, Chapter 5.

20-1-22. Same—Deposit in water illegal.

It shall be unlawful for any person to throw or deposit any dead animal or fowl, or any live animal or

fowl for the purpose of drowning, in any reservoir, pool, canal, creek or other stream or body of water within the County. (R.O. 1956, Section 3-9-8)

Article 20-2. Septic Tank, Cesspool Cleaners

20-2-1. Business license.

20-2-2. Permit required.

20-2-3. Rules, regulations.

20-2-4. Bond required.

20-2-1. Business license.

It shall be unlawful for any person to engage in the business of emptying or cleaning any vault, privy, septic tank, cesspool or grease trap in this County unless he has a license to do so.

20-2-2. Permit required.

It shall be unlawful for any person to engage in the business of emptying or cleaning any vault, privy, septic tank, cesspool or grease trap in the County unless he has in his possession a valid permit from the County Health Department. (R.O. 1956, Section 3-9-14; Ord. No. 1973-9, Section 3-9-14, 1-2-74)

20-2-3. Rules, regulations.

The County Health Department shall make such rules and regulations as are necessary to insure the proper transportation and disposal of the contents of the above receptacles. (R.O. 1956, Section 3-9-14)

20-2-4. Bond required.

Private scavengers and other businesses using County dumping facilities shall, in addition to obtaining the required business license, post with the County Clerk a surety bond with a corporate surety company authorized to do business in the state, in the amount of one thousand dollars (\$1,000.00), unless exempted in writing by the County Commission. The purpose of said bond is to guarantee payment of the County of any moneys owing incident to this Chapter. (Ord. No. 1973-9, 1-2-74)