

**CITY OF WRENS
CODE OF ORDINANCES
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CHAPTER 2**

CHAPTER 2

Solid Waste Collection and Disposal

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Sec. 4-2-1 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

- a. Person shall mean any institution, public or private corporation, individual, partnership, or other entity.
- b. Premises shall mean land, buildings, or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored for collection.
- c. Refuse shall mean all solid wastes of a community, including garbage, ashes, rubbish, dead animals, street cleanings, and solid market and industrial wastes, but not including body wastes.
- d. Responsible authority shall mean the legally designated person of the City who shall be authorized and directed to implement and enforce the provisions of this chapter, or its authorized representative.

Sec. 4-2-2 Functions of the responsible authority.

The responsible authority, in order to protect the health and safety of the people of this City, is authorized and directed, by implementing and enforcing the provisions of this chapter, to control the storage, collection, and disposal of refuse within the City, to provide a public refuse collection and refuse disposal service from designated sites and/or premises within the City so that the type and usual quantity of refuse can be safely and expeditiously handled by such public

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refuse collection and disposal service, and/or to approve and regulate the establishment, maintenance, and operation of private refuse collection systems and refuse disposal methods and sites.

Sec. 4-2-3 Funds; appropriation, borrowing, other means.

- a. The mayor and council are authorized to make funds available by appropriation, by borrowing, or by other means, in accordance with the laws and procedures of this City, for equipment for the collection or disposal of refuse, and for the establishment, maintenance and operation of refuse collection systems and refuse disposal methods and sites.
- b. Refuse service charges within the City, for the purpose of financing the establishment, maintenance and operation of refuse collection systems or refuse disposal methods and sites, are hereby levied in such amounts as fixed from time to time by the mayor and council.
- c. Refuse service charges, as provided by this section, shall be payable monthly, by separate billing in conjunction with the water bill. Such refuse service charges shall be collected by the responsible authority.

Sec. 4-2-4 Permits for collectors of refuse not handled by City.

- a. It shall be unlawful for any person who does not possess an unrevoked permit from the City to engage in the business of refuse collection or refuse disposal for compensation in the City. The responsible authority shall issue permits for such applicants; provided, that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of section 4-2-14.
- b. Every person desiring to engage in the collection and/or disposal of refuse shall make written application to the responsible authority, setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection and/or disposal of such refuse, the place and method of disposal to be practiced. Upon approval of this application, the responsible authority shall issue a permit to the applicant. The permit fee as fixed from time to time by the mayor and council, shall be payable in advance to the responsible authority. (Editor's note: The permit fee is \$3000.00)
- c. Any person whose application for a permit has been denied may request, and shall be granted, a hearing before the mayor and council under the procedure provided by section 4-2-6.
- d. A permit issued under this chapter shall expire on December 31st. Permits shall be renewable annually, in the same manner and upon payment of the same annual fee as provided in subsection (b) of this section.

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- e. It shall be unlawful to transfer permits from one person and/or business to another, for the purpose of operating a refuse collection or disposal operation.

Sec. 4-2-5 Prohibitions; private responsibility.

- a. The owner or his agent, or the occupant, of any premises within the City shall be responsible for the sanitary condition of the premises occupied by him, and it shall be unlawful for any person to place, deposit, or allow to be placed or deposited on his premises any refuse except as designated by the terms of this chapter.
- b. Any person responsible for (1) refuse on premises not served by the refuse collection system of the City; or for (2) refuse not acceptable for collection by the City, shall make arrangements for the collection and disposal of such refuse with a refuse collector who holds a valid permit issued by the City.

Sec. 4-2-6 Enforcement; service of notices and orders; hearings.

- a. Whenever the responsible authority determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:
 - 1. be put into writing;
 - 2. include a statement of reasons why it is being issued;
 - 3. allow a reasonable time for the performance of any act it requires; and
 - 4. be served upon the holder of a permit issued under this chapter or upon the owner or his agent or the occupant of such premises within the City; provided that such notice shall be deemed to have been properly served when a copy thereof has been served personally, or in accordance with any other method authorized under the laws of this state.
- b. Such notice may:
 - 1. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;
 - 2. state that, unless conditions or practices described in such notice which violate this chapter are corrected within the reasonable time specified in such notice, a permit which has been issued pursuant to this chapter may be suspended or revoked.
- c.
 - 1. Any person who is affected by any notice issued in connection with the enforcement of any provision of this chapter may request, and shall be granted, a hearing on the matter before the mayor and council; provided that such person shall file, in the office of the responsible authority, a written

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petition requesting such hearing and setting forth a brief statement of the ground therefore, within 10 days after the day the notice was served. Upon receipt of such petition, the responsible authority shall set a time and place for such a hearing, and the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided that upon application of the petitioner, the responsible authority may postpone the date of the hearing for a reasonable time beyond such 10 day period when, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.

2. After such hearing, the mayor and council shall sustain, modify, or withdraw the notice, depending upon its finding based on such hearing as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto have been complied with. If the council sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if written petition for hearing has not been filed in the office of the responsible authority within 10 days after such notice was served. In the case of any notice which states that a permit required by this chapter may be suspended or revoked, the responsible authority may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice.
3. The proceedings at such hearing, including the finding and decision of the mayor and council, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the responsible authority. Such record shall include, also, a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
4. Whenever the mayor and council find that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may, without notice or hearing, issue a written order reciting the existence of such an emergency and the conditions violating this chapter which require corrective action to remove such health hazard. If such corrective action is not taken, the council may take such action as may be necessary to protect the public health. Notwithstanding other provisions of this chapter such order shall be effective immediately. Any persons to whom such order is directed shall comply therewith immediately, but upon petition to the mayor and council shall be afforded a hearing as soon as possible but in any case not later than three (3) days after the petition was filed. After such hearing, depending upon its finding as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto have been complied with, the mayor and council shall continue such order in effect, or modify it, or revoke it.

Sec. 4-2-7 Inspection.

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The responsible authority, after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter.

Sec. 4-2-8 Refuse acceptable for collection by the City.

The following refuse shall be considered to be acceptable for collection by the City:

- a. Garbage. Rotten animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of foods.
- b. Ashes. The residue from the burning of wood, coal, coke, or other combustible materials.
- c. Rubbish. Non-rotting solid wastes, excluding ashes, consisting of paper, cardboard, cans, yard clippings, wood, glass, bedding, earthenware, metals and similar materials.
- d. Dead animals. Small, dead animals, not exceeding 75 pounds each in weight which die in the normal course of community activity but excluding condemned animals, animals from a slaughter house, or other animals normally considered industrial refuse, shall be removed by the City upon request.

Sec. 4-2-9 Refuse not acceptable for collection by the City. The following refuse is unacceptable for City collection:

- a. Dangerous materials or substances, such as poisons, acids, caustics, infected materials, and explosives.
- b. Unusual quantities of materials resulting from the repair, excavation, or construction of buildings or structures, such as earth, plaster, mortar and roofing material.
- c. Materials which have not been prepared for collection in accordance with these regulations.
- d. Solid wastes resulting from industrial processes.

Sec. 4-2-10 Refuse storage.

- a. Bulky rubbish such as trees, weeds, and large cardboard boxes, may be bundled so as not to exceed four (4) feet in length nor 50 pounds in weight.
- b. All other refuse shall be stored in containers meeting the specifications of section 4-2-11; provided that bulk storage containers can be used if they are of a type which can be mechanically emptied by refuse trucks. Plastic or paper refuse sacks can be used if placed inside the roll cart.

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- c. Garbage shall be drained and wrapped.
- d. It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the mayor and council, in accordance with the specifications contained in this section.
- e. Ashes containing hot embers shall not be placed in containers for collection.
- f. It shall be unlawful for any person to tamper with, remove covers, overturn, or otherwise damage receptacles or create litter or health problems.

Sec. 4-2-11 Roll cart system for residences.

- a. Applicability. The provisions of this section apply only to the "roll cart system." Except as provided herein, the "roll cart system" shall be the only approved system for use by residential customers in the City.
- b. Property of City. The carts shall remain the property of the City and will be assigned to residents for the health, safety, convenience, and general welfare of the occupant.
- c. Resident's responsibility. The person having authority to control the disposal of garbage in any household shall cause all garbage collected therein to be placed in a receptacle supplied by the City and placed at the curb on scheduled collection days.
- d. Weight. The combined weight of a container and its contents shall not exceed 200 pounds and the container shall not be filled to overflowing.
- e. Identification. Where more than one family occupies a dwelling or apartment, the garbage receptacles shall be marked by the City so as to indicate the family using the particular garbage receptacle. The receptacle may be identified by putting the apartment number thereon or the name of the household. When receptacles are so identified, such receptacle may be used only by the person whose name or other identification is shown thereon.
- f. Lost, stolen or damaged containers. Any residential container provided by the City which becomes lost, stolen, or damaged shall be replaced by the City and cost of such replacement shall be borne by the City or property owner, depending upon the circumstances of damages or disappearance. The City shall be the sole determiner as to responsibility. Containers which are damaged through normal usage shall be repaired or replaced by the City.
- g. Maintenance of container. It shall be the responsibility of the occupant to maintain all garbage and trash containers serving his property in a clean and sanitary manner, free of obnoxious odors, maggots, insects, and rodents, or any other conditions which may render them unhealthy to the occupants of the dwelling unit or the neighborhood. Containers shall be maintained in compliance with state and county health code requirements.

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- h. Location of container. Receptacles provided to residences by the City as provided herein shall be placed in the area between the sidewalk and curb or in an accessible place approved by the public works department. Containers shall not be placed at the curbside before 7:00 p.m. on the day preceding the collection day and shall be removed from the curbside before 7:00 p.m. on the collection day. Exceptions to this requirement may be granted by the public works department for persons with physical limitations which prevent placement of the garbage receptacles at the curb, provided such person submits a written request for such exception.
- i. Time of collection. The public works department shall provide a schedule to each residence receiving garbage collection service from the City which shall indicate the days on which such collection will be made.
- j. Outside City customers. Customers living outside the City currently receiving garbage service may purchase a container and continue to receive garbage service. Garbage will not be picked up where the "roll cart system" is not in use.

Sec. 4-2-12 Frequency of collection.

The mayor and council shall make known to the customers the day, or days when refuse pick-up will be provided to each section of the City. Any major changes to the above schedule will be made at least three (3) weeks in advance of the proposed change or changes.

Sec. 4-2-13 Place of collection.

All roll carts shall be placed for collection as provided in section 4-2-11(h). All rubbish including yard clippings shall be placed at the curb. Customers shall request pick-up of bulky items and pay an additional fee as established by the mayor and council.

Sec. 4-2-14 Refuse disposal.

- a. All disposal of refuse shall be by a method or methods in accordance with requirements of state and local law, and shall include the maximum practicable rodent, insect, and nuisance control at the place or places of disposal.
- b. There shall be no burning at any public disposal site within the City, and any fires at these sites which have been started accidentally, intentionally or by spontaneous combustion will be extinguished immediately.
- c. Animal refuse and carcasses of dead animals shall be buried or cremated as directed by any authorized representative of the Public Works Department.

Sec. 4-2-15 Equipment.

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- a. All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies, or suitable provision for covering the body. Provision and use of a tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved by the mayor and council.
- b. Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding, and shall be maintained in good repair.

Sec. 4-2-16 Penalties.

Any person who shall violate any provision of this chapter, upon conviction, shall be punished as provided in section 1-1-5 of this code.