

TITLE 17

REFUSE AND TRASH DISPOSAL¹

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CHAPTER 1

REFUSE

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17-101. Notice to remove. Upon the failure of any owner or property within the city to remove rubbish or refuse from his property and dispose of it in accordance with the law, it shall be the duty of the sanitation department of the public works division to serve a notice on the owner of such property to clean the property, within five (5) days of the service of such notice. Such notice may be served personally on the owner of the property, may be mailed to the last known address on such owner by registered or certified mail or may be posted on the property on which such refuse exists.

Service of notice by any of the above methods shall be due notice to such owner. (Ord. #79-28, Nov. 1979)

17-102. Removal. (1) In addition to the fine referred to in § 17-105 upon failure of any owner of lots or lands in the city to clean the property described in the notice mentioned in § 17-101 within five (5) days thereof, the sanitation department is authorized and directed to have such work done and a statement of the costs thereof shall be filed with the director of budget and finance or his designee. A lien is hereby declared on such property for all costs and expenses incurred by the city.

(2) Upon receipt of the statement of costs of cleaning property by city forces or by contract pursuant to this section, the director of budget and finance or his designee may transmit a true copy thereof to the city attorney, who shall

¹Municipal code references

Property maintenance code: title 13, chapter 1.

forthwith institute suit or take such other proceedings as may be necessary to enforce the lien on such property.

(3) All uncollected costs for the current year shall be certified to the city treasurer on or be the duty of the city treasurer to collect, as a special tax, the amount so certified at the time city taxes levied against properties from which the refuse was removed for the next succeeding year are collected. The cost of cleaning property by city forces or by contract pursuant to this section, is hereby declared to be a special tax to be collected as general taxes levied by the city. (Ord. #79-28, Nov. 1979)

17-103. Trash receptacles or garbage can areas to be enclosed or screened. (1) This receptacle can either be designed and hidden into the scheme of structure of the building itself, or be constructed as a durable enclosure in accordance with design standards adopted by the city and available in the city planning department.

(2) On all commercial building sites where the building was constructed prior to 1979, with no enclosed area for trash receptacles, the dumpsters or other trash receptacles shall be located behind the building setback line and hidden from street view when it is possible to do so. In the event the owner or tenant feels that this is not possible, the design and review commission shall review the site for possible alternatives.

(3) On all commercial building sites where construction has taken place since 1979, and trash receptacle areas were approved at the time site plan approval was obtained and approved by the design review commission, the trash receptacle area shall be maintained according to the original site plan approval. In the event that a trash receptacle area was not addressed for any reason on the original site plan approval, then in that event, these building locations shall be required to comply with this section as if it were a new structure.

(4) All temporary dumpsters located at building construction sites and all dumpsters placed for the special purpose of collecting recyclable material are exempt from all provisions of this section. (Ord. #95-14, Sept. 1995)

17-104. Curbside garbage carts regulated. (1) The ninety (90) gallon wheeled garbage carts are to be placed at the curb by 7:00 A.M. on the homeowners scheduled collection day and the carts shall not be placed at the curb sooner than 7:00 P.M. the day before collection day. The cart is not to be placed in the road. If there is no curb at the residence then the cart is placed at the end of the driveway or along the roadside.

(2) The garbage carts are to be returned to a location behind the front of the residence by 7:00 A.M. of the morning following the scheduled day of pickup.

(3) Penalty for failure to comply shall be up to a fifty dollar (\$50.00) fine with each day being a separate offense. (Ord. #96-14, Nov. 1996)

17-105. Penalty. Failure to carry out the provisions of this chapter shall be considered a misdemeanor subject to a fine not less than five dollars (\$5.00) or more than fifty dollars (\$50.00). (Ord. #79-28, Nov. 1979)