

**Ordinance No. 727**

AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF HUNTERS CREEK VILLAGE, WHICH REGULATES THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE CITY: 1) TO ADD ADDITIONAL DEFINITIONS OF REGULATED WASTE AND TO MODIFY EXISTING DEFINITIONS; 2) TO ADD REGULATIONS REGARDING THE ESTABLISHMENT AND MAINTENANCE OF COLLECTION POINTS FOR SOLID WASTE; 3) TO ADD REGULATIONS GOVERNING STRUCTURES AND CONTAINERS USED FOR STORING SOLID WASTE; AND 4) TO ADD OTHER PROVISIONS REGULATING SOLID WASTE HANDLING AND DISPOSAL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTERS CREEK VILLAGE:

**Section 1.** Chapter 32 of the Code of Ordinances of the City of Hunters Creek

Village is amended to read as follows:

**“ARTICLE I. IN GENERAL**

**Sec. 32-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Approved Site* means:
  - (1) A solid waste disposal site with a current permit issued by the state;
  - (2) A solid waste disposal site licensed by a county under authority of state law; or
  - (3) A designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.
  
- (b) *Class I solid waste* means solid waste that is: a) acceptable for disposal at a type I municipal solid waste site under the requirements of state and federal law; and b) not excluded from the list of waste materials that the City’s current solid waste disposal service providers have agreed to accept. The term includes *yard and garden waste, heavy trash, and recyclable materials.*

- (c) *Dispose or dump* means to discharge, deposit, inject, spill, leak or place *solid waste* onto or into land or water.
- (d) *Heavy trash* means any rubbish or trash generated upon the premises of a single-family residence that is of such size or weight that it cannot be placed in a container, and includes major appliances and tree limbs or trunks with a diameter of three inches or more. The term does not include any rubbish or trash generated from construction or restoration or renovation activity on the premises.
- (e) *Recyclable material* means a material that is suitable for reuse, recycling, or reclamation and that the City has designated as a type of material for which the City will provide separate collection as a part of the solid waste disposal services it provides. The City Secretary shall maintain a list of the types of materials that have been designated by the City as recyclable.
- (f) *Solid waste* means:
  - (1) organic waste from a public or private establishment, residence or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking or consumption of food, but not including sewage, body wastes or industrial byproducts; or
  - (2) Non-organic waste, except ashes, that consists of:
    - a. Combustible waste material including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves or similar materials;
    - b. Noncombustible waste material including glass, crockery, tin or aluminum cans, metal furniture and similar materials that do not burn at ordinary incinerator temperatures of 1,800 degrees Fahrenheit or less; and
    - c. Discarded or worn out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances and scrap metal.
  - (3) The term includes all forms of *Class I Solid Waste*.
- (g) *Yard and garden waste* means organic waste products generated in the process of planting or maintaining lawns, gardens, and other natural landscape features on the premises of a single-family residence, including grass and hedge clippings, leaves, tree branches, and similar materials. The term does not include man-made waste products such as the residue of fertilizers, pesticides, or their containers.

**Sec. 32-2. Prohibited activities.**

It shall be unlawful for any person to dispose or dump any solid waste within the corporate limits of the city other than at an approved site.

**Sec. 32-3. Use of unapproved sites prohibited.**

(a) It shall be unlawful for any person to dispose or dump solid waste, or allow or permit the disposal or dumping of solid waste at any place that is not an approved site.

(b) It shall be unlawful for any person to receive solid waste for disposal at a place that is not an approved site, regardless of whether the solid waste or the land on which the solid waste is placed is owned or controlled by that person.

(c) It shall be unlawful for any person to transport solid waste to a place that is not an approved site.

**Sec. 32-4. Duty of property owners.**

All persons owning or occupying property within the City shall provide for the removal and lawful disposal of solid waste generated from the use of that property no less often than once a week and in accordance with the provisions of this Chapter.

**ARTICLE II. RESIDENTIAL SOLID WASTE DISPOSAL**

**Sec. 32-21. Residential solid waste disposal services provided by the City.**

The City shall provide solid waste disposal services for class I solid waste to all single-family residential properties within the City under the terms of service provided in this article.

**Sec. 32-22. Point of collection.**

The owner or occupier of each single-family residential property in the City shall establish and maintain on their property a regular point of collection where all yard and garden waste, recyclable materials, and all other class I solid waste, except heavy trash, shall be placed for collection by the City or its contractor.

a) The point of collection shall be located behind the front building set back line and within 50 feet of a driveway or other surface prepared for motor vehicle traffic, and shall be kept accessible to the City's solid waste disposal services contractor on the scheduled dates of collection. Provided however, that if there is no suitable location for a point of collection that is behind the front building

set back line, the point of collection can be established at a location that is in front of, but immediately adjacent to, the front building set back line.

- b) The point of collection may be screened from view but may not be located inside a gated fenced or walled enclosure except as follows. A property owner may construct and maintain a see-through gated structure or enclosure designated for the sole purpose of storing yard and garden waste, recyclable materials, and all class I solid waste, except heavy trash and serving as a regular point of collection. The structure or enclosure must comply with the location requirements for points of collection, must be located entirely behind the front building line, and must provide convenient access for solid waste collection.
- c) Heavy trash shall be placed at the curb in front of the residence not more than 24 hours before the date designated by the City for heavy trash collection.

**Sec. 32-23. Required containers.**

Except as provided below, all class I solid waste, shall be stored, and delivered to the point of collection, in rigid enclosed containers that are reasonably resistant to being opened or disturbed by dogs or other wild or domesticated animals.

- a) Yard and garden waste may be prepared for collection by tying it into bundles or placing it in an appropriate disposable or permanent container. Sturdy plastic bags may be used as containers for yard and garden waste.
- b) Recyclable materials shall be placed in designated containers supplied by the City.
- c) Heavy trash is not required to be placed in any form of container.

**Sec. 32-24. Collection schedule.**

The City shall establish a schedule for collection of class I solid waste from single-family residences in the City and may amend that schedule from time to time. The City Secretary shall maintain a copy of the current schedule and shall post it on the City's website. The schedule shall provide for collection of class I solid waste from each single-family residence in the City at least twice a week. The City may establish different collection dates and a different frequency of collection for heavy trash and recyclable material. The City also may establish, for particular

categories of class I solid waste, limits on the amounts that will be collected on a specific collection date.

### **ARTICLE III. DUMPSTERS**

#### **Sec. 32-31. Placement.**

No dumpster shall be placed except:

- (1) On property zoned for commercial use; or
- (2) On property used for public schools.

#### **Sec. 32-32. Screening.**

Garbage dumpsters shall be fully screened from public view.

#### **Sec. 32-33. Property adjoining public streets**

Any garbage dumpster placed and maintained on property adjoining a public street shall be located behind the building set back line established in the City's zoning ordinance. "

**Section 2.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 3.** In the event any clause, phrase, provision, sentence, or part of this Ordinance, or its application to any person or circumstance, shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4.** The City Secretary shall cause a caption of this Ordinance that summarizes its purpose and the penalty for violations, to be published in the City's official newspaper. This Ordinance shall become effective when the publication requirement is satisfied.

PASSED, APPROVED, AND ADOPTED this 21<sup>st</sup> day of October, 2008.

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J. Robert Dodson III  
Mayor

ATTEST:

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Deborah L. Loesch, TRMC  
City Secretary