

## CHAPTER 51: SOLID WASTE

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#### ***Cross-reference:***

*Zoning; operation standards; waste material, see § 154.026*

### **GENERAL PROVISIONS**

#### **§ 51.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** Only organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

**RUBBISH.** All inorganic refuse matter such as tin cans, glass, and paper, and ashes, sweepings, branches, leaves, dead grass, or other waste materials.  
(‘75 Code, § 9.101)

## **§ 51.02 GARBAGE AND RUBBISH IN RESIDENTIAL AND MULTIPLE DWELLING DISTRICTS.**

All owners, occupants, and persons in control or possession of a structure located in the residential or multiple dwelling districts as defined in the city zoning code shall care for garbage and rubbish in the following manner:

(A) For the storage of garbage each person shall provide at his or her own expense a watertight metal or plastic can or receptacle with a holding capacity of not less than five nor more than 20 gallons, with a cover and with handles on the sides.

(B) Garbage shall be deposited in the aforementioned containers and shall be drained of water or other fluids and wrapped in paper in parcels.

(C) For the storage of rubbish each person shall provide at his or her own expense metal or plastic cans, wooden boxes, or other receptacles of a holding capacity of not more than 30 gallons and so covered as to shed water.

(D) Rubbish shall not be mixed with garbage.

(E) All cans or other receptacles shall be kept on ground appurtenant to any such premises. All cans shall be in a place within three feet of the alley, street, or driveway entering the premises.

(‘75 Code, § 9.102) Penalty, see § 10.99

### ***Cross-reference:***

*Public nuisances affecting health; garbage cans, see § 93.02*

*Zoning; zoning districts, see § 154.055 et seq.*

## **§ 51.03 GARBAGE AND RUBBISH IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

All owners, occupants, and persons in control or possession of a structure located in the commercial or industrial districts as defined in the city zoning code shall remove or cause to be removed by a licensed garbage collector all garbage and rubbish.

(‘75 Code, § 9.103) Penalty, see § 10.99

## **§ 51.04 UNAUTHORIZED DISPOSAL.**

No person shall deposit or cause to be deposited any garbage or rubbish upon any street, avenue, alley, vacant lot, or vacant part of any lot, or upon any yard or other ground or place appurtenant to any building or structure in the city, except in the manner provided in §§ 51.02 and 51.03. No person shall burn or bury garbage or rubbish in the city except with the written

permission of the County Health Officer and such written permission shall be for no longer period of time than one day. No person shall have, store, deposit, or keep garbage, grains, or other foods where rats can have access to or feed thereon. Each day's violation of this section shall be treated and considered, and the same shall be, a separate and distinct offense. Nothing herein contained shall prevent any person from disposing of the garbage or rubbish accumulating on his or her own premises in any sanitary manner approved by the County Health Officer. ('75 Code, § 9.104) Penalty, see § 10.99

***Cross-reference:***

*Streets and sidewalks; rubbish and refuse, see § 92.01*

**§ 51.05 COLLECTION OF GARBAGE AND RUBBISH.**

The Director of Public Works of the city is authorized and directed to collect, at least once each week, all garbage and rubbish deposited in cans or other receptacles located in residential and multiple dwelling districts; to collect specified types of rubbish piled on boulevards or in alleys during limited periods of time designated by the County Health Officer; and to remove all such garbage and rubbish to such place or places as shall be provided by the Council for such purpose. The County Health Officer is authorized to adopt and enforce such reasonable rules and regulations for the deposit, collection, and removal of such garbage and rubbish as he or she may deem necessary or useful. The expenses of such collection and removal of garbage and rubbish shall be paid out of monies in the Public Utility Fund. ('75 Code, § 9.105)

**§ 51.06 LICENSING OF GARBAGE COLLECTORS.**

No person shall collect garbage and rubbish within the city for hire without first securing from the Council a license to do so. Any person desiring such license shall make application therefor in writing and such application shall be submitted to the County Health Officer for his or her report. If the County Health Officer finds that the applicant is responsible, the City Council may thereupon, in its direction, grant such license. The fee for such license as may be adopted from time to time by Council resolution or ordinance shall accompany each application. The City Council shall have the authority to establish the maximum fees to be charged by licensed garbage collectors. Every license granted pursuant to this section may be revoked by the Council upon failure of the licensee to comply with reasonable regulations established by the County Health Officer or with the provisions of this code. ('75 Code, § 9.106) Penalty, see § 10.99

**§ 51.07 LIABILITY FOR CHARGES.**

All such service charges shall be charged directory to the occupant of the real estate from which the garbage and refuse is removed or to the occupant of real estate which has a city electric meter as registered in the name of such occupant in the office of the City Clerk. ('75 Code, 9.108)

## **§ 51.08 BILLING; PAYMENT.**

The service charge shall be entered, shown, and placed on the city electric and water bill, and shall be so indicated, except in cases where there is no electric meter on the premises and then separate bills shall be rendered by the City Clerk. All such charges shall be due and payable at the office of the Clerk on or before the 15<sup>th</sup> day of the month following the rendering of such bill. All such monies received by the Clerk shall be kept and maintained in the Public Utility Fund.

('75 Code, § 9.109)

## **§ 51.09 REGULATORY AUTHORITY.**

The City Council may make, by resolution, such administrative regulations and rules as may be necessary and proper to regulate, enforce, and carry out the purposes, intent, requirements, and provisions of this chapter.

('75 Code, § 9.110)

## ***DUMPSTERS AND PORTABLE STORAGE CONTAINERS***

### **§ 51.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CONTAINER.*** Any portable container used or designed for collection, transportation, disposal or storage of solid waste or personal property.

***DUMPSTER.*** Any portable container used or designed for collection of, transportation of, or disposal of solid waste or the like. ***DUMPSTERS*** shall include, but are not limited to, roll-off containers, collection bins, and tubs.

***PORTABLE STORAGE CONTAINER.*** A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

***ROLL-OFF CONTAINER.*** A large metal container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.

**SOLID WASTE.** All matter of useless, unwanted or discarded solid or semisolid domestic, commercial, industrial, institutional, construction and demolition waste material, including garbage and refuse.

(Ord. 1132.10, passed 2-16-10)

#### **§ 51.21 PERMIT.**

Every person seeking to place one or more containers upon any public right-of-way or public street must obtain a container permit from the Director of Public Works.

(Ord. 1132.10, passed 2-16-10)

#### **§ 51.22 RULES.**

(A) Containers must be well maintained and in good working condition and be suitably supported at each contact point to prevent damage to paved surfaces.

(B) Containers must be covered when materials inside are easily airborne, pose a hazard, emit an odor or are otherwise offensive.

(C) Debris and property must be placed inside the container and not along side or on top of it.

(D) All dumpsters are required to be emptied when full. For the purpose of this subchapter, full is defined as when the contents of the dumpster reach an average level of one foot below the top edge of the dumpster sides. Any dumpster which has reached the full status, and is not emptied within seven calendar days shall be considered in violation of this subchapter.

(E) Cleaning containers on the street or sidewalk is not permitted.

(Ord. 1132.10, passed 2-16-10) Penalty, see § 51.99

#### **§ 51.23 CONTAINERS IN THE PUBLIC RIGHT-OF-WAY.**

(A) A container placed in the public right-of-way must have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the container must have a flasher or reflector on the outside corner on both sides.

(B) Containers shall not block a public sidewalk or be placed in a location that restricts the "sight lines" of an intersection. "Sight lines" will be determined by the Public Works Director.

(C) Dumpsters placed in the public right-of-way for construction, remodeling or demolition projects shall be removed immediately upon the completion of the project. No dumpster shall be placed in the public right-of-way for more than 60 days. An extension of the

60 day rule may be allowed with written permission from the city.

(D) Portable storage containers in the public right-of-way for temporary storage of personal property shall be placed in the public right-of-way for no more than 14 days. An extension of the 14-day rule may be allowed with written permission from the city.

(E) No container shall be placed on streets, sides of streets or areas designated as “No Parking”. Dumpsters shall not be placed in public parking lots or parks without prior written permission from the city.

(F) The owner and/or the user of a container on a public right-of-way is/are responsible for any public property, street, curb and gutter, or public infrastructure damage.

(G) (1) No container shall be placed in the public right-of-way during the winter snow season, defined for the purpose of this subchapter as the period from November 1 to the next following April 1.

(2) The Director of Public Works may issue a special permit to a property owner for placement of a container in the city right-of-way during the winter snow season due to the necessity of immediate cleanup of solid waste or storage of personal property due to fire, flood, or other calamity. The permit would be issued on a temporary basis not to exceed 30 days, and the permit may provide additional requirements for visibility. Extensions cannot be granted for more than the aforesaid time period unless a longer period is granted by the City Council. (Ord. 1132.10, passed 2-16-10) Penalty, see § 51.99

#### **§ 51.24 DENIAL OF USE.**

(A) The City Council may deny the use of containers in the public right-of-way if the container is too wide to allow public safety vehicles through, or due to any other traffic concerns.

(B) The City Council may also deny the use of containers to protect public health or safety concerns.  
(Ord. 1132.10, passed 2-16-10)

#### **§ 51.25 FEES AND FINES.**

Any permit fees or fines pursuant to the provisions of this subchapter shall be set by and amended, from time to time, by the City Council through resolution.  
(Ord. 1132.10, passed 2-16-10)

#### **§ 51.99 PENALTY.**

(A) Any violation of §§ 51.20 through 51.25 is a misdemeanor.

(B) The city may remove or have a container removed from the public right-of-way, if

the container is in violation of §§ 51.20 through 51.25.

(C) The owner of the container, or if the owner cannot be determined, the person placing it in the public right-of-way shall pay all costs, fees, penalties or other expenses incurred by the city in removal, storage fees and disposal of any container and its contents.

(D) If the container is not claimed within 30 days by its owner or person responsible for placing it in the public right-of-way, it may be disposed of as abandoned property, but disposal shall not diminish the responsibility of the owner or the person responsible for placing the container in the public right-of-way to pay all amounts due.

(E) The city shall not release a container from storage until all amounts due under §§ 51.20 through 51.25 have been paid.

(F) The City of Benson shall not be responsible for any damages to such container removed in accordance with the provisions of §§ 51.20 through 51.25.  
(Ord. 1132.10, passed 2-16-10)