

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

1. UNIFORM REFUSE DISPOSAL.
2. MANDATORY RECYCLING ORDINANCE.
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#### CHAPTER 1

### UNIFORM REFUSE DISPOSAL

#### SECTION

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**17-101. Definitions.** (1) "Bulk rubbish" means wooden and cardboard boxes, crates, appliances, furniture, bedding, and other refuse items which by their size and shape cannot be readily placed in city-approved containers.

(2) "Class one container" means a residential refuse container constructed of strong and durable material, rodent and insect proof, and not readily corrodible. They shall have a capacity of not more than thirty-two (32) gallons and not less than twenty (20) gallons, and when filled, shall weigh not more than fifty (50) pounds. Residential refuse containers shall be equipped with handles on both sides to facilitate emptying and shall be equipped with

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

tight fitting lids or covers constructed of the same material of such design to preclude the free access of flies and insects and to prevent containers from collecting water during rain or snow. This class of containers shall include plastic bags but the plastic bags shall be the type manufactured for this use and shall be of sufficient thickness and strength to support the contents during handling and loading into the packer trucks by the sanitation workers. All plastic bags shall be securely tied at the top.

(3) "Class II containers" means dumpsters with a capacity of 3-6 cubic yards that remain at the point of collection designated by the city.

(4) "Collector" means any person, firm, or corporation that collects, transports, or disposes of any refuse within the corporate limits of the City of Dayton.

(5) "Commercial establishment" means any business, industrial, institutional or agricultural establishment; office or professional building; shopping center; multiple business complex; commercial housing facility; church; hospital; club; or similar organization.

(6) "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, institutional, or agricultural establishment

(7) "Construction waste" means materials from construction, demolition, remodeling, and construction site preparation, including, but not limited to, rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials.

(8) "Garbage" means all household waste, including, but not limited to, food waste, bottles, waste papers, tin cans, clothing, small mechanical parts, small dead animals, and rubbish, excluding tree limbs, shrubbery trimmings, leaves, construction waste, human or animal excreta or fecal matter, large dead animals, large mechanical parts, and bulk rubbish.

(9) "Person" means any natural person, association, partnership, firm, or corporation.

(10) "Refuse" means solid waste.

(11) "Residential garbage" means garbage resulting from operation and maintenance of dwelling units, excluding commercial housing facilities.

(12) "Solid waste" is unwanted or discarded waste materials in a solid or semi-solid state, including, but not limited to, garbage, ashes, street refuse, rubbish, dead animals, animal and agriculture waste, yard waste, appliances, furniture, special waste, industrial waste, and demolition and construction waste, excluding bulk rubbish.

(13) "Yard waste" means grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials.

Singular shall include the plural and the masculine shall include the feminine and the neuter. (1988 Code, § 8-201)

**17-102. Responsibility for administration.** (1) The city manager or his designee may make and modify regulations as necessary concerning days of collection, distribution, and location of containers, and other matters pertaining to the collection, transportation, and disposal of solid waste, if the regulations are not in violation of the provisions of this chapter.

(2) The city manager or his designee shall be responsible for the enforcement of this chapter. (1988 Code, § 8-202)

**17-103. Residential facilities, containers, and collection procedures.** (1) Containers. Residential facilities shall supply, at their expense, a Class I container. All refuse, unless otherwise provided herein, shall be deposited therein. Each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure, or grounds, within the corporate limits of the City of Dayton where refuse materials and substances as defined in this chapter accumulate or are likely to accumulate shall provide an adequate number of approved Class I containers for the storage of the refuse.

(2) Collection procedures; general regulation. (a) Residential garbage intended for collection by the city shall be placed in Class I containers. Frequency of collection for residential refuse is one (1) time per week.

(b) On the scheduled day of collection all containers must be placed at the edge of the street, curb, alley, or designated location approved for pickup. Containers shall be placed in such a location and manner as to be readily accessible with city collection equipment. Containers must not be placed in the location for pickup so as to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance.

(c) Containers shall be placed for collection on the day of collection and shall be removed immediately after emptying.

(d) Leaving containers at curb side except during the period specified for collection, or not otherwise secured, constitutes neglect by the occupant or property owner.

(e) Bulk rubbish and construction waste are hereby prohibited from being placed in Class I containers. (1988 Code, § 8-203)

**17-104. Commercial collection procedures, containers, and general regulations.** (1) Commercial solid waste shall not be collected by the city but only refuse which is placed in Class II containers. The commercial establishment shall, at its expense prior to the first pickup, supply a city-approved Class II waste container. These containers must be purchased either through the City or through a private vendor with prior approval by the city. The city will assist the commercial establishment with the purchase of the containers; however, the containers will be the property of the commercial

establishment who shall be responsible for the maintenance and replacement of the container at its expense.

Not more than two (2) Class II containers shall be authorized for use by any one commercial establishment.

(2) Servicing of the containers at commercial establishments will be at the direction and frequency designated by the city manager.

(3) Class II containers shall at all times be kept in a place easily accessible to city equipment. No service shall be given to those establishments permitting objects, obstructions, or vehicles to hinder in any way whatsoever the servicing of the containers.

(4) The owner or user of all Class II containers shall be responsible for the sanitary maintenance, structural maintenance, and replacement of the containers.

(5) Nothing in this section shall prohibit commercial establishments from removing their own solid waste or from contracting with a private collector for such removal if the private collector has a valid permit or license to do business within the city.

(6) The owner or user of all Class II containers shall be responsible for seeing that substances placed into the containers are not in violation of this chapter and will not damage the equipment of the city due to weight and if it is determined that the content of the container damages the equipment of one city, then the owner or user shall be responsible for repair of the collection equipment. (1988 Code, § 8-204)

**17-105. Premises to be kept clean.** All persons, firms, and corporations within the corporate limits of the City of Dayton are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in Class I or Class II sanitary containers between intervals of collection or to dispose of such materials in a manner prescribed by the city manager or the city health officer, so as not to cause a nuisance or become injurious to the public health and welfare. (1988 Code, § 8-205)

**17-106. Accumulation and storage of refuse.** (1) Each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of Dayton where refuse materials and substances as defined in this chapter accumulate or are likely to accumulate shall provide an adequate number of approved containers for the storage of such refuse.

(2) Preparation of refuse.

(a) All refuse shall be drained and free of liquids before disposal.

(b) Garbage (including animal waste) shall be wrapped in paper or similar material.

(c) All cans, bottles, or food containers shall be free of food particles and drained before disposal.

(d) Bulk rubbish shall be (1) placed in approved containers, or (2) cut and bailed, tied, bundled, stacked, or packaged so as not to exceed thirty-six (36) inches and fifty (50) pounds in weight. (1988 Code, § 8-206)

**17-107. Prohibited substances and practices.** (1) The following substances are prohibited and shall not be deposited into approved containers serviced by the city garbage collection equipment:

(a) Flammable liquids, solids, or gases, such as gasoline, benzene, alcohol, or other similar substances.

(b) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment.

(c) Construction waste as defined in 8-101 (5).

(d) Hot materials such as ashes, cinders, etc.

(e) Human or animal waste shall be prohibited from being placed in garbage containers unless it is placed and secured in a plastic bag or suitable paper bag.

(2) The following practices are prohibited and it shall be unlawful for any person, other than the occupant/user, to move, remove, upset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage, or interfere with the garbage containers. (1988 Code, § 8-207)

**17-108. Yard waste, bulk rubbish, and other refuse.** (1) Yard waste and brush collection.

(a) Placement of brush for collection. All brush (tree limbs, shrubbery, and hedge trimmings, etc.) must be placed at the edge of a street or serviceable alley easily accessible with the city collection equipment. No item of yard waste placed out for disposal shall be placed on top of water/gas meters, or valves, piled against utility poles, guy wires, fences, or structures or any item that could be damaged by collection equipment.

(b) Piling of brush for collection. All brush shall be neatly stacked in an unscattered manner. Small trimmings should be stacked on top of larger ones with butt ends pointed in the same direction. Brush collection shall not be made where it is loosely scattered. A notice shall be given to the resident that collection cannot be made and the reason why it cannot be made.

(c) Separation of refuse. No items of refuse may be mixed with brush trimmings. Mixing wire, metal, lumber, brick, rock, dirt, or similar items with brush trimmings is prohibited by landfill regulations and collection shall be limited to separated items. Mixing leaves and grass clippings with other brush is also prohibited.

(d) Length and size of brush. Tree trunks, stumps, and limbs larger than four (4) inches, as measured across the diameter of the butt end, shall not be collected by the city. All tree limbs longer than twelve (12) feet in length must be cut in half and stacked as required.

(e) Grass clippings and leaves. Except during seasonal leaf collection as outlined in (5) below, all leaves and grass clippings collected by the city shall be placed in plastic bags or other disposable containers.

(2) Refuse generated through private enterprise. The City of Dayton shall not be responsible for the collection and disposal of construction waste, bulk rubbish, brush, or any other forms of solid waste generated or produced by contractors, tree trimmers, or persons doing work for profit or personal gain. Nor will any such collection of refuse be made from lot or land clearing projects including remodeling or alterations of homes or businesses or such other private projects or improvements.

(3) Bulk rubbish (junk) service. Except during a special city/county wide spring cleanup campaign, bulk rubbish service will be performed on a convenience-of-service basis. This service shall be initiated by calling the city hall. A log book of requests for bulk rubbish pick up will be maintained in the city manager's office. When crews can be made available for this service, the log book will be referred to and collections will be made on a first-called, first-served basis. Bulk rubbish shall not be placed at the street for collection until the customer is notified when collection will be made.

(4) The city manager or his designee shall have the authority to establish a reasonable self-help program for residents who have unusual amounts of refuse, or unusual circumstances which would prevent hauling or disposal for themselves.

(5) Seasonal leaf collection. Fall leaf collection will begin between October 1 and November 15 depending upon climatic conditions and will continue through January. The street department will schedule a two (2) week period in early spring in order to collect leaves from late shedding trees. The schedule will be announced through the local news media. Following this two (2) week period all leaves must be placed in plastic bags for collection. (1988 Code, § 8-208)

**17-109. Confiscation of unsatisfactory storage containers.** Refuse containers shall be maintained in good order and repair. Any container that may have ragged or sharp edges or other defects liable to injure the person

collecting the contents thereof shall be replaced. The city sanitation department will affix a tag to any defective container identifying the defects and giving the owner proper notice that the container must be replaced. When a person fails to repair or replace containers after notice has been given by the city, further collection will be discontinued until proper containers have been provided. The collectors will exercise every effort to protect the container from damage as a result of unloading or loading, but the City of Dayton will not be liable for such damages. (1988 Code, § 8-209)

**17-110. Refuse not to be collected unless properly stored.** In no case will it be the responsibility of the city sanitation department to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, packing materials, etc. (1988 Code, § 8-210)

**17-111. Unlawful to burn.** It shall be unlawful for any person, firm, or corporation to burn refuse on private property within the corporate limits of the City of Dayton without first obtaining a written permit from the City of Dayton fire department. (1988 Code, § 8-211)

**17-112. Dumping in streams, sewers, and drains prohibited.** It shall be unlawful for any person, firm, or corporation to dump refuse in any form into a stream, ditch, storm sewer, sanitary sewer, or other drains within the corporate limits of the City of Dayton. (1988 Code, § 8-212)

**17-113. Collection vehicles.** The collection of refuse shall be the means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1988 Code, § 8-213)

**17-114. Violations.** (1) Any person violating any of the provisions of this chapter shall be served by the city with written notice stating the nature of the violation and providing a ten (10) day time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who continues any violation beyond the time provided for in sub section (1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause for this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of the violation. (1988 Code, § 8-214)

## CHAPTER 2

### MANDATORY RECYCLING ORDINANCE

#### SECTION

- 17-201. Items to be recycled.
- 17-202. Program established.
- 17-203. Separation and placing for removal--containers.
- 17-204. Receptacle requirements.
- 17-205. Collection by unauthorized persons.
- 17-206. Violation and penalty.
- 17-207. Enforcement.

**17-201. Items to be recycled.** The following items shall be covered by this ordinance for, the purpose of being recycled:

- (1) Plastic containers
- (2) Glass containers
- (3) Aluminum cans and all items made of aluminum
- (4) All household paper except waxed cardboard, corrugated or uncorrugated. (1988 Code, § 8-601)

**17-202. Program established.** There is hereby established, for all owners or persons in control of any premises, a mandatory separation from other refuse that they will set at curbside, or other pickup location, for collection by the city, or any other collector, the products as listed in § 17-201. (1988 Code, § 8-602)

**17-203. Separation and placing for removal--containers.** The occupant or person in control of any premises who shall place for disposal, removal or collection the items listed in § 17-201 shall do so in strict conformity with the following regulations:

(1) Unwaxed, corrugated cardboard shall be deposited in the containers provided by the city and, at the present time, are of a green color and are located at specific sites throughout the City of Dayton. The deposit of these items shall require that the depositor break down the box in a flat position and insert through the slit provided.

(2) All other items listed in § 17-201 (except items listed in (1) above) shall be deposited in the blue containers or containers provided or such other receptacle provided by the city. (1988 Code, § 8-603)

**17-204. Receptacle requirements.** The receptacles required herein shall be supplied by the city or its representative to the occupant or owner of the

premises. The occupant or owner of the premises shall keep all receptacles clean and in a condition safe for handling.

After collection, all empty containers shall be removed from the curbside promptly. (1988 Code, § 8-604)

**17-205. Collection by unauthorized persons.** From the time of placement at the curb by the occupant or owner of the premises, the items so deposited shall be and become the property of the City of Dayton or its authorized agent. It shall be a violation of this ordinance for any person unauthorized by the City of Dayton to collect or pickup, or cause to be collected or picked up, any such items.

Any and each such collection in violation hereof from one (1) or more residences shall constitute a separate and distinct offense punishable as hereinafter provided. (1988 Code, § 8-605)

**17-206. Violation and penalty.** Any person, firm or corporation that violates or neglects to comply with any provisions of the ordinance or any regulations, upon conviction thereof, shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code. Each violation and each day a violation is committed, or permitted to continue, shall constitute a separate violation and shall be punishable as such. (1988 Code, § 8-606)

**17-207. Enforcement.** In addition to the penalties as prescribed in § 17-206 herein, the city manager shall be authorized to refrain from collecting or disposing of, or authorizing the collection or disposal of, any refuse as defined in § 17-101 and the items as enumerated in this chapter. (1988 Code, § 8-607)

### CHAPTER 3

#### MISCELLANEOUS

#### SECTION

#### 17-301. Sanitation fee.

**17-301. Sanitation fee.** The city shall charge for and collect a sanitation fee for the collection of garbage and other related services and the fee shall be established as follows:

(1) Residential fee. Residents of the City of Dayton occupying residential property shall pay a nine dollar (\$9.00) per meter per month sanitation user's fee. (Residence being defined as the particular locality of the person).

(2) Professional, churches and schools. These establishments being served by the City of Dayton shall be charged a sanitation user's fee of twenty dollars (\$20.00) per meter per month (professional being defined as a location where a person or persons exercise their vocation or calling, occupation or employment and involves skill, education, special knowledge and compensation for profit, but the labor and skill involved is predominantly mental or intellectual, rather than physical and manual). If any professional, churches or schools have a dumpster then they will be charged at the appropriate dumpster rate and not charged the twenty dollar (\$20.00) sanitation fee.

(3) Commercial and industrial. These establishments being served by the City of Dayton shall be charged a sanitation user's fee as set out below:

8 Cu. Yd. Dumpster	-	\$	22.22 per time, per dumpster
6 Cu. Yd. Dumpster	-	\$	17.48 per time, per dumpster
4 Cu. Yd. Dumpster	-	\$	13.34 per time, per dumpster
3 Cu. Yd. Dumpster	-	\$	12.05 per time, per dumpster
2 Cu. Yd. Dumpster	-	\$	9.64 per time, per dumpster
1- 2 Cans	-	\$	20.00 per month with one time per week pickup
3 - 5 Cans	-	\$	15.19 per time emptied.

(4) Billing. The City of Dayton shall bill each user on a monthly basis by adding to the present electric, water and sewer charges and using the same billing cycle as is used by those services. (1988 Code, § 8-108, as replaced by Ord. #519, Aug. 2009)