

CHAPTER 52: SANITATION SERVICE AND REGULATIONS

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§ 52.01 INTENT AND PURPOSE.

It is the intent and purpose of this chapter to establish a sanitation department which will provide for the collection of garbage, rubbish, yard waste, and household rubbish in order to promote the health and welfare of the residents of the city and to continue a program of modernization and beautification.

§ 52.02 SANITATION DEPARTMENT CREATED.

A sanitation department is established which shall be composed of a superintendent and other personnel as the board of public works shall deem necessary in order to carry out the functions of the department. The sanitation superintendent shall be appointed by the Mayor, subject to the approval of the common council. His appointment shall continue during good behavior and service and he shall not be removed from office except for good cause shown after full opportunity has been given him to be heard on specific charges.

§ 52.03 SANITATION SUPERINTENDENT DUTIES.

The sanitation superintendent shall perform the functions necessary to implement this chapter.

§ 52.04 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (A) “APARTMENT.” A portion of a building used as a single-family residence.
- (B) “APARTMENT BUILDING.” A building containing 2 or more separate apartments used as separate single-family residences.
- (C) “APARTMENT COMPLEX.” A cluster of 2 or more apartment buildings.
- (D) “GARBAGE.” All refuse accumulation of animal, fish, fowl, fruit or vegetable matter that results from preparation, use or cooking.
- (E) “HOUSEHOLD RUBBISH.” Furniture, springs and mattresses, furnace pipe, stoves, hot water heaters, refrigerators, television sets, trunks, incinerator refuse and cold ashes of all kinds if placed in a receptacle as specified herein, wood not over 48 inches in length, toys, carpeting, leather, rubber, cardboard, household appliances and fixtures. It shall not include broken concrete and other refuse from repairs, alterations, and construction of buildings and sidewalks, tree limbs and tree trunks, debris from commercial or industrial establishments, and material which cannot be easily handled by 2 men or weighs over 50 pounds. Household appliances weighing over 50 pounds shall be considered as household rubbish, unless they cannot be easily handled by 2 men.
- (F) “INCINERATOR.” A device constructed of steel or like material for the purpose of burning combustible matter and having a permanently attached screen or other filter device covering the exhaust outlet. The screen or filter device shall be sufficiently fine in porosity to prevent the escape of ignited particles.
- (G) “RUBBISH.” All rags, broken glass, crockery, bottles, tin cans, paper and similar household refuse which is placed in required receptacles. It does not include dead animals, animal or human feces, and liquid matter whether containerized or not.
- (H) “YARD WASTE.” Vegetative matter including grass, garden plants, leaves, hedge cuttings, shrubbery, brush, limbs, and branches resulting from landscaping maintenance.

§ 52.05 COLLECTION SCHEDULE.

Collection shall be made in accordance with a daily schedule determined and promulgated by the board of public works.

§ 52.06 REQUIRED RECEPTACLES.

All garbage, yard waste and rubbish shall be placed in receptacles of galvanized metal, plastic, or other like material with 2 handles or a bail and close-fitting covers. They shall be watertight, have a capacity of not less than 5 gallons nor more than 30 gallons and shall not exceed more than 50 pounds in weight, and shall be kept in a sanitary condition. Plastic bags of not more than 2 mil in strength may be used.

The number of receptacles weekly pick up is limited to a maximum of four (4) bags and two (2) containers or six (6) bags total.

§ 52.07 COLLECTION PROCEDURE AND REQUIREMENTS.

Collections of garbage, rubbish, yard waste and household rubbish shall be made by the sanitation department, as follows:

(A) Business and industrial. Except as otherwise provided, there shall be no collection of any garbage, rubbish, household rubbish, or any other waste or residue of any kind, character, or description from any business or industrial establishment.

(B) Residential.

(1) There shall be no collection of garbage, rubbish, yard waste or household rubbish from apartment complexes and apartment buildings having more than 4 separate apartments.

(2) The sanitation department shall collect garbage and rubbish from each residence located within the city on a weekly schedule. All garbage and rubbish shall be placed in receptacles described in this chapter and shall be placed on the street curb within 5 feet of the street curb. No garbage, yard waste or rubbish shall be placed on any public sidewalk. On corner lots, garbage yard waste and rubbish is to be placed within 5 feet of the curb closest to the street to be traveled by collection trucks. All receptacles shall be placed for collection no earlier than 6:00 p.m. on the day preceding the collection day and shall be removed from public view within 24 hours.

(3) The sanitation department shall collect household rubbish from residences on the regular collection day of the first week of the third, sixth, ninth and twelfth month of each year. Household rubbish shall be placed at the time and locations designated for the placement of garbage and rubbish.

(C) Mobile home courts. The sanitation department shall collect garbage, rubbish, and household rubbish from mobile home residences located within mobile home courts on a weekly schedule, under the following circumstances:

(1) The mobile home court owner shall provide adequate streets, approved by the board of public works, for ingress and egress to all mobile homes requiring service. The streets shall accommodate the sanitation department trucks and allow for pickup at the curb.

(2) The mobile home court owner shall submit written authorization to the superintendent of the sanitation department permitting the sanitation department to enter the premises, and the mobile home court owner shall agree to indemnify the city from any resulting damage except that caused by the negligence of its employees.

(3) Garbage and rubbish shall be placed in receptacles described in this chapter and shall be placed within 5 feet of the curb of adequate streets no earlier than 6:00 p.m. on the day preceding the collection day and shall be removed from public view within 24 hours.

(4) Household rubbish shall be collected on the regular collection day of the first week of the third, sixth, ninth and twelfth month of each year. Household rubbish shall be placed within 5 feet of the curb of adequate streets no earlier than 6:00 p.m. on the day preceding the

collection day.

§ 52.08 BURNING REGULATED.

No person shall burn any garbage, or rubbish containing garbage, within the city. Between the hours of 6:00 a.m. and 6:00 p.m., paper, paper products, wood, and wood products only may be burned in an incinerator, unless otherwise prohibited. Burning of any material in open barrels or other types of open containers is prohibited.

§ 52.09 ACCUMULATION OF GARBAGE, RUBBISH AND HOUSEHOLD RUBBISH PROHIBITED.

The owner, occupant, or lessee of any premises located within the city shall remove from the premises all garbage, rubbish, and household rubbish and keep the premises free and clear from any accumulation of garbage, rubbish, and household rubbish at all times.

§ 52.10 UNAUTHORIZED DISPOSITION OF GARBAGE, RUBBISH, AND HOUSEHOLD RUBBISH PROHIBITED.

(A) It is unlawful for any person to throw, place, or scatter any garbage, rubbish, or household rubbish over any premises, street, or alley, either public or private, or to permit any garbage, rubbish, or household rubbish to be deposited on premises owned, occupied, or controlled by that person, whether or not the person intends to later remove, cover, or otherwise dispose of it, except as provided herein.

(B) It is unlawful for any city resident to allow any person who resides outside the city limits to place that persons garbage, rubbish, yard waste or household rubbish on the city resident's premises for pick up by the city sanitation department.

§ 52.11 PREPARATION FOR COLLECTION.

(A) Garbage. All liquids shall be drained from garbage and all garbage shall be securely wrapped before being placed in receptacles for collection.

(B) Rubbish.

(1) All liquids shall be drained from rubbish before being placed in receptacles for collection.

(2) All cans and bottles which have contained food shall be thoroughly rinsed and drained before being placed in receptacles for collection. All broken glass shall be securely wrapped.

(3) All rubbish of any kind, character, and description shall be placed in a receptacle of a type specified before being placed for collection.

(C) Household rubbish.

(1) All household rubbish shall be in clean and sanitary condition before being

placed for collection.

(2) All incinerator refuse and cold ashes of all kinds and descriptions shall be placed in a container of the type specified.

(D) Yard Waste.

(1) Grass cuttings and garden plants shall be placed in a receptacle of a type specified before being placed for collection.

(2) Hedge cuttings, shrubbery trimmings, and similar material shall be cut to a length permitting it to be placed in the receptacles specified before being placed in receptacles for collection.

(3) Tree branches, limbs, brush, and shrubs need not be placed in receptacles provided they may be easily handled by one person.

(4) Leaves shall not be placed in receptacles. Leaves shall be placed on the street within 5 feet of the curb or the edge of the pavement.

§ 52.12 FAILURE TO PROPERLY PREPARE FOR COLLECTION.

The sanitation department shall not be responsible for collection of any garbage, rubbish, or household rubbish which has not been properly placed for collection.

§ 52.13 COLLECTION DAY FALLING ON HOLIDAY.

In the event a collection day falls on January 1 (New Year's Day), May 30 (Memorial Day), July 4 (Independence Day), the first Monday in September (Labor Day), the fourth Thursday of November (Thanksgiving Day), and December 25 (Christmas Day), collections which would have been made on those days shall be made on the next regular day of business following the holiday. In the event any collection day falls on any other declared holiday, collections which would have been made on the holiday shall be made on the next regular day of business following the holiday.

§ 52.14 COLLECTION FEE.

The Common Council of the City of Decatur deems it necessary to charge a fee for the pick up of refuse by the City Sanitation Department because of a substantial increase in landfill charges by the County to the City:

(A) Commencing December 1, 2004 there will be a monthly \$4.00 charge for the collection of garbage and rubbish from each residence and individual mobile home residence entitled to such collection under the City Code Section 52.07(B) and (C).

(B) The aforesaid charges for garbage and rubbish collection shall be included on the monthly water and sewage billing statement.

(C) Charges for garbage and rubbish pickup service levied pursuant to this subchapter shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent and a delinquent charge of 10% of the amount due shall be added to the amount due. Delinquent pickup charges together with costs and other expenses of collection may be collected by any lawful remedy, including, where applicable, the placing of and foreclosure of liens on real estate as provided by state law. (Ord. 2004-15, passed 11-16-2004)

§ 52.99 PENALTY.

(A) Any persons violating any provision of this chapter, except §§52.08, 52.09, and 52.10, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction or abatement. The offender shall, within the period of time stated in the notice, permanently cease the violation or violations.

(B) Any person who continues any violation beyond the time limit provided for in §52.14 (A) on conviction shall be fined not less than \$10 nor more than \$300 for each violation. Each day in which violation continues shall be deemed a separate offense.

(C) No notice as provided in §52.14 (A) shall be served on any person in violation of §§52.08, 52.09, or 52.10. Any person who shall violate §§52.08, 52.09, and 52.10 on conviction shall be fined not less than \$10 nor more than \$300 for each violation. Each day in which any violation continues shall be deemed a separate offense. (Ord. 1994-1, passed 1-18-94)