CHAPTER 16

REFUSE AND GARBAGE

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CHAPTER 16

REFUSE AND GARBAGE

ARTICLE I. IN GENERAL

SECTION 16-1. DEFINITIONS.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Garbage. Wastes resulting from the handling, preparation, cooking or consumption of foods; wastes from the handling, storage and sale of produce; any other matter whatsoever that may decompose and become foul, offensive, unsanitary or dangerous to health.

Refuse. Combustible and noncombustible discarded materials including, but not limited to, paper, wood, glass, metal and cloth products, yard trimmings, tree branches, leaves, excepting non-offensive compost piles, furniture, bedding, building materials, ashes and solid wastes resulting from industrial and manufacturing processes.

SECTION 16-2. MAINTENANCE OF PREMISES - GENERALLY.

(a) It shall be the duty of any owner, agent, tenant, purchaser, contractor or lessee of any premises within the city, including places of business, dwelling houses, apartments, tenements, construction sites or other establishments, at all times, to ensure compliance with the provisions of the Chapter and to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of materials other than those necessary or ordinarily attendant upon construction or upon the use for which such premises are legally intended. Any such accumulation is hereby declared to constitute a nuisance and nonconforming use of the premises and may be abated in the manner provided in Chapter 14.

(b) All such persons, where cooking or eating is done, shall arrange with the city to have an adequate number of containers and pickups for the purpose of holding all garbage and refuse without running over.

SECTION 16-3. LITTERING, ETC., - PROHIBITED.

It shall be unlawful for any person to store or allow garbage, refuse or waste material of any kind to accumulate anywhere in the city; or to litter, throw or sweep any garbage, refuse or waste material of any kind into any street, gutter, sidewalk, sewer intake, alley, vacant lot, pond, stream or any other property within the city limits.

ARTICLE II. DISPOSAL OF GARBAGE AND REFUSE

SECTION 16-4. COLLECTION BY AUTHORIZED PERSONS ONLY.

The collection and removal of garbage and refuse from homes, business establishments, and all other residential and commercial structures shall be performed only by employees of the City of Kemmerer or licensed garbagemen unless contrary provision is made with the city council.

SECTION 16-5. COLLECTION BY AUTHORIZED PERSONS ONLY - EXCEPTIONS.

(a) The owners or person responsible therefor shall not permit any unnecessary accumulation, and shall be held responsible for the immediate removal to the city disposal site, of trash and refuse (unless arrangements are made with the superintendent of public works for both removal of such materials and payment to the city for such removal) as follows:

(b) Discarded automobile parts, furniture, stoves and other large fixtures.

(c) Manure, other than a light spread applied on lawns or gardens for fertilizing purposes, shall not be kept on any premises for any purpose or kept in piles for later use, but must be either plowed under or removed by the owner or person responsible therefor.

(d) All plaster, broken concrete, stone, wood, roofing materials, wire or metal binding, sacks or loose discarded or unused materials of all kinds, resulting from wrecking, construction, reconstruction or remodeling of any room, basement, wall, fence, sidewalk or building shall be promptly removed or stored in such a manner as not to be scattered about by wind or otherwise, and, as soon as possible, shall be removed by the persons responsible for such work. Such person shall be held liable for any damages caused by the scattering of refuse upon adjacent property and for the costs of cleaning up such scattered refuse.

(e) Silt and similar deposits from automobile wash racks shall be removed to the city disposal site by the person, firm or corporation creating such deposits.

(f) It shall be the duty of every person, being the owner of or having in his possession or under his control, any horse, dog, or other animal which shall die within the corporate limits, to immediately remove the body of such animal to the disposal site, and to immediately bury the same under three feet (3') of earth, in a place designated by the employee in charge of the disposal site.

(g) Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property, shall be removed immediately to such place as approved by the superintendent of public works.

SECTION 16-6. COLLECTION - CONTAINERS - DESIGN.

Upon application for sanitation service, the City shall furnish each residential customer with one (1) 90 gallon, and each commercial customer with one (1) 90 gallon or one or more 360 gallon standardized, lightweight, polyethylene container(s). The 90 gallon containers will be mounted on wheels to provide ease in moving the container to the curb. The container(s) will remain the property of the City of Kemmerer. The container(s) shall not be defaced in any way and the customer will be responsible for payment for any damages.

A resident may request a second 90 gallon container that shall be charged to the resident at a lower rate than the initial container as determined by City Council. The lower rate if effective if the second container is picked up on the regular pickup day at the same time.

If a resident is notified three times in a three-month period regarding the overfilling of the container, the City, at its discretion, may require the resident to utilize a second container.

SECTION 16-7. COLLECTION - CONTAINERS - PLACEMENT FOR COLLECTION; SECURING.

On the customer's scheduled day for garbage pickup, the customer will place the container near the curb or alley by 6:30 a.m., as directed by the Street/Sanitation Superintendent, with the handle opening towards the street or alley and the lid closed. All garbage shall be inside the container. The container should be placed in such a manner so it is accessible by an automated side loader sanitation truck. After pickup has been made, the customer is then responsible for returning the container to its normal storage location within 24 hours. The customer should place trash in trash bags or other such bags to limit the wind blowing debris as the container is being dumped.

SECTION 16-8. PREPARATION OF MATERIALS FOR COLLECTION - TREE LIMBS, ETC.

Tree limbs, branches and wood used in construction shall be cut to lengths not exceeding six feet (6'), securely tied by wire or twine and shall not exceed eighty (80) pounds in weight.

SECTION 16-9. PREPARATION OF MATERIALS FOR COLLECTION - MOIST GARBAGE.

Moist garbage which is capable of adhering to the bottom and inside of the garbage can so as to form a mass in which flies and other insects may breed and flourish and from which foul or offensive odors may emanate or which otherwise tend to become unwholesome and unhealthful, shall be wrapped in plastic bag of sufficient strength so as to prevent spillage or leakage. Such plastic shall be also of sufficient strength so as to prevent any garbage from adhering to or remaining in the can.

SECTION 16-10. PREPARATION OF MATERIALS FOR COLLECTION - ASHES OR BURNING REFUSE.

All ashes or other burning or smoldering refuse shall be thoroughly extinguished prior to placement for pick-up and shall be contained in such disposable receptacles as will prevent such refuse from being scattered about by wind or otherwise and sufficient to protect against harm to persons or property.

SECTION 16-11. PREPARATION OF MATERIALS FOR COLLECTION - PLACEMENT.

All materials prepared for placement pursuant to this article shall be placed on private property adjacent to the alleyway, where such exists, or at the lot line of the street on all lots not contiguous to an adjacent alleyway, in such a manner as to be readily accessible for collection. Such materials shall not be allowed to remain at the lot line of the street for more than twenty-four (24) hours unless completely housed in a decorative enclosure, consistent with neighborhood architecture and aesthetics and not in violation of any restrictive covenants.

SECTION 16-12. MANNER AND TIME OF COLLECTION.

The Superintendent of Public Works is hereby empowered to prescribe such rules and regulations as it may deem proper, not inconsistent with this chapter, to govern the manner, time and fees for the collection, removal and disposition of all garbage and refuse.

SECTION 16-13. GARBAGE, REFUSE, ETC., NOT TO BE BURNED.

It shall be unlawful for any person to burn any garbage, refuse, rubbish or any combustible waste in the City of Kemmerer or at the city dumping site.

It shall be unlawful for any person to dispose of non-green waste into a designated green waste container. Green waste includes trees, grass, weeds, unwanted plants and other waste from yardwork. Specifically, it shall be unlawful for any person to dispose of waste or material in a receptacle inconsistent with the designation of the receptacle.

A violation of this section shall be punished by a fine of up to the maximum amount allowed by Wyoming state statute.

SECTION 16-14. CONSTRUCTION MATERIALS

No construction materials or metals may be dumped into the standard polyethylene container(s). These items may be taken by the customer directly to the landfill or be scheduled for pickup during designated cleanup weeks by the City. If the City finds the metals or construction materials in a container, no pickup will occur until these items are

removed from the container.

SECTION 16-15. NOTICE OF REFUSAL OF SERVICE

When the City finds that containers or trash are not properly placed including such items as overflowing containers, containers that are blocked by vehicles, containers that include metal and/or construction materials, the City may not pick up this container during a scheduled time. The customer will be notified by the City and the customer shall have the issue rectified for the next scheduled pickup/

SECTION 16-16. THEFT OF SANITATION SERVICES.

It shall be unlawful for any person to place trash or refuse in the trash can of another without permission of the person to whom the can belongs. A violation of this section shall be punished by a fine up to the maximum allowed by law.

ARTICLE III. REPELLED AND RESERVED 5-12-25

SECTION 16-17. REPEALED AND RESERVED 5-12-25.

SECTION 16-18. REPEALED AND RESERVED 5-12-25.

SECTION 16-19. REPEALED AND RESERVED 5-12-25.

SECTION 16-20. REPEALED AND RESERVED 5-12-25.

ARTICLE IV. CHARGES

SECTION 16-21. DEPOSIT TO BEGIN USING SANITATION SERVICE

(a) A new utility user, upon application for sanitation service, shall pay in advance a deposit. Such deposit amount shall be set by the city council, from time to time, by resolution.

(b) At the end of one (1) year, at the request of the utility user or the city treasurer, the deposit will be applied to the active utility account. Upon voluntary discontinuation of service, at the request of the utility user or the city treasurer, the deposit will be refunded, provided all utility charges are paid in full.

(c) Should the user become sixty (60) days or more delinquent in payment of sanitation charges, this deposit may be applied to such delinquency.

SECTION 16-22. RATES.

Charges for sanitation service shall be at rates set by the city council, from time to time, by resolution.

SECTION 16-23. BILLS, NOTICES, ETC., EFFECTIVE UPON MAILING.

Billing for sanitation service, and any other notices relating to the sanitation utility, shall be effective upon mailing such billing or notice to the address of the utility user as shown on the records of the city clerk/treasurer's office.

SECTION 16-24. WHERE PAYABLE; DUE DATE; DELINQUENCY.

(a) Due Date: All charges for sanitation service as provided in this Article are due and payable at the office of the city treasurer. All charges are due and payable on or before the 15th of the month following the billing.

(b) Delinquent: Payment is delinquent by the close of the 15th day of the month following the due date.

(c) Penalty Charged: The balance of any bill due and payable the 15th of the month following the billing that is not paid within 30 days of the due date shall be subject to monthly late charge in a sum as the City Council may set, from time to time, by resolution.

(d) Delinquent List: Accounts that have become delinquent will be placed on a list and delinquent notices mailed on the 16th of each month or the first working day following the 16th of the month via US mail.

(1) Notices shall state that the account is past due.

(2) Notices shall state the time and date that payment in full (payment of past due and penalty charges) is due to avoid loss of service.

(3) Notices will include in the amount due the penalty charge.

(e) If a utility user shall fail to pay all sanitation charges within thirty (30) days of the due date, the utility user will be notified by mail that the user's account is past due and if payment of all utility and late charges in full is not received within seven (7) calendar days, utility user may have their service interrupted or legal action will be taken by filing with small claims court for collection for any amounts due plus fees.

(f) If a utility user shall fail to pay all sanitation charges by the date specified on the delinquent notice, the utility user's sanitation can or container will be removed

from the premises the Monday following the delinquent date.

(1) Utility users will receive a hand delivered removal notice that states that the can has been removed from the premises due to a delinquent account balance.
(2) If a can is removed from a premises for delinquency the utility user will be required to pay past due charges, penalty charges, and a $30.00 delivery fee to have the can returned to the premises.
(3) If the City is unable to remove the can from the premises the utility user will continue to be billed for their sanitation service until such time that the can is able to be removed from the premises.

(g) In addition to utility and penalty charges, the utility user shall be responsible for all costs and expenses of collection, including reasonable attorney fees and costs as may be incurred, with or without suit.

SECTION 16-25. LIABILITY OF PROPERTY OWNER FOR SERVICE.

The property owner of every building, premises, lot or house shall be liable for all sanitation services provided to his premises, which liability may be enforced by the city by action at law or equity to enforce payment. In case the tenant in possession of any premises or buildings shall pay the sanitation c harges, it shall relieve the property owner from such obligations but the city shall not be required to look to any person whatsoever other than the property owner for the payment of sanitation charges. No change of ownership or occupation shall affect the application of this section.