

## CHAPTER 50: SOLID WASTE MANAGEMENT

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#### ***GENERAL PROVISIONS***

### ***§ 50.01 DEFINITIONS REGARDING GARBAGE/TRASH COLLECTION AND DISPOSAL.***

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

***BUSINESS, SMALL*** . Any business that disposes of (based upon a two (2) week average) less than one (1) cubic yard of solid waste per pickup shall be deemed a small business. This determination shall be made by the Public Works Manager

***BUSINESS, LARGE*** . Any business that disposes of (based upon a two (2) week average) more than one (1) cubic

yard of solid waste per pickup shall be deemed a large business. This determination shall be made by the Public Works Manager.

**COLLECTION** . Removal of solid waste from the designated pick-up location to the transfer vehicle. Acceptable collection practices shall consist of the following: door-to-door household collection and/or direct access to a staffed convenience center or transfer facility.

**COLLECTION BOX** . An unstaffed receptacle utilized to collect municipal solid waste.

**COMMERCIAL SOLID WASTE** . All types of solid waste generated by stores, offices, restaurants, warehouses and other service and nonmanufacturing activities, excluding households and industrial solid waste.

**DEMOLITION AND CONSTRUCTION WASTE** . Materials resulting from the construction or destruction of residential, industrial or commercial structures.

**DIRECTOR** . The director for the Solid Waste Management Program of the city shall be the City Manager.

**DISPOSAL** . The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwaters.

**DISPOSABLE SOLID WASTE CONTAINER** . Disposable plastic or paper sacks with a capacity of ten (10) to thirty five (35) gallons specifically designed for storage of solid waste.

**DWELLING UNIT** . Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating.

**GENERATOR** . Any person, by site, whose act or process produces waste.

**GOVERNING BODY** . The City of Pikeville, its Mayor, Commissioners, and Manager.

**HAZARDOUS WASTE** . Any waste or combination of wastes which are determined by the city because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

**HOUSEHOLD WASTE** . Solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, and recreational areas such as picnic areas, parks and campgrounds.

**MATERIALS RECOVERY FACILITY** . A solid waste management facility that provides for the extraction from solid waste of recyclable materials suitable for use as a fuel or soil amendment, or any combination of those materials.

**MULTI-FAMILY RESIDENTIAL UNIT** . A housing facility containing more than one (1) dwelling unit under one (1) roof.

**MUNICIPAL SOLID WASTE REDUCTION** . Source reduction, waste minimization, reuse, recycling, composting and materials recovery.

**OCCUPANT** . Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as an owner or as a tenant.

**RECYCLING** . Any process by which materials which would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the city, but does not include the incineration or combustion of materials for the recovery of energy.

**RESIDENTIAL DWELLING UNIT** . A building or portion thereof, providing complete housekeeping facilities for one person or one family.

**RESIDENTIAL SOLID WASTE** . Solid waste resulting from the maintenance of dwelling units.

**SANITARY LANDFILL** . A permitted facility for the disposal of solid waste which complies with the **ENVIRONMENTAL PERFORMANCE STANDARDS** .

**SOLID WASTE** . Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden), agricultural operations, and from community activities but does not include those

materials including, but not limited to, sand, soil, rock, gravel or bridge debris extracted as part of a public road construction project, recovered material, special wastes, solid or dissolved material in domestic sewage, manure, crops, crop residue or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

**SOLID WASTE MANAGEMENT** . The administration of solid waste activities: collection, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with the city approved solid waste management plan.

**SOLID WASTE MANAGEMENT AREA or AREA** . Any geographical area established or designated by the city in accordance with the city limits or boundaries.

**SOLID WASTE MANAGEMENT FACILITY** . Any facility for collection, storage, transportation, transfer, processing, treatment or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility which is subject to regulations for control of environmental impacts and to prevent any public nuisance.

**SOLID WASTE MANAGEMENT PLAN** . A document submitted by a waste management district and approved by the city.

**SOLID WASTE SITE OR FACILITY** . Any place at which solid waste is managed, stored, treated, processed or disposed.

**SOLID WASTE STORAGE/CONTAINER** . Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. A solid waste container is made out of plastic, vinyl or metal, ranging in size from about ten (10) gallons to thirty five (35) cubic yards in size.

**STORAGE** . The containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

**TRANSFER** . The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

**TRANSFER STATION** . Any transportation related facility including loading docks, parking areas and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

**TRANSPORTATION** . Any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto.

**TREATMENT** . Any method, technique, or process including neutralization, designed to change the physical, chemical or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition or hazardous waste so as to render it nonhazardous.

**UNIVERSAL COLLECTION** . A municipal solid waste collection system which is established by ordinance and approved by the city and requires access for each household or solid waste generator in a city.

**WASTE SITE OR FACILITY** . Any place where waste is managed, processed or disposed of by incineration, landfilling, or any other method, but does not include a container located on property where solid waste is generated, and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility or the combustion of processed waste in a utility boiler.

**YARD WASTES** . Grass clippings, leaves, tree trimmings.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)

## **§ 50.02 DUMPING OR DISPOSAL OF GARBAGE AND RUBBISH.**

Every citizen, resident, property owner, firm and business establishment in the corporate limits of the city, is prohibited from dumping or disposing of any garbage, refuse or rubbish, or cause the same to be disposed of anywhere within the corporate limits of the city.

## **GARBAGE DISPOSAL SYSTEM**

### **§ 50.15 ESTABLISHMENT.**

(A) The city shall maintain and operate a garbage collection, trash pickup and disposal system. The city shall be deemed the exclusive carrier unless a special permit is obtained from the City Manager.

(B) All dwelling units and business establishments producing commercial solid waste within the city shall be billed for pickup and disposal of solid waste as provided for herein and at the rate set herein regardless of whether service is used.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

### **§ 50.16 MANAGER OF PUBLIC WORKS TO DIRECT OPERATIONS.**

The garbage collection and disposal system shall be operated under the direction of the Public Works Manager.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)

### **§ 50.17 SCHEDULES; RULES; AND REGULATIONS.**

The garbage collection and disposal system shall be operated under the following rules and regulations:

(A) Collection of garbage.

(1) All persons or concerns shall be required to deposit garbage for disposal in closed garbage cans not to exceed thirty-five (35) gallons in capacity or to exceed seventy-five (75) pounds in weight and to maintain such solid waste containers in good repair at all times. Fifty-five (55) gallon oil drums are not legal containers. Rubbish and debris, such as leaves and grass, but not including household garbage, may be placed in tied plastic bags. Containers shall be set out for pickup on the sidewalk or within three (3) feet of the street in front of residents or apartments no sooner than one (1) hour before sundown (except as provided in C-3 Districts) on the night of pickup applicable to that section or district and shall be required to remove containers as soon thereafter as possible.

(2) Collection of garbage in the business districts shall be daily between the hours of 7:00 p.m. and 12:00 a.m. on weekdays, Sundays excluded.

(B) Depositing garbage for disposal.

(1) All persons or concerns in a business district shall be required to use dumpsters or other suitable containers that can be easily handled by pickup crews and which have been approved by the Public Works Manager. All dumpster locations shall be prescribed by the Public Works Manager. All persons or concerns should contact the Public Works Manager prior to acquiring any dumpster or other container to ensure that the dumpster or container is compatible with the city's trash collection equipment. Fifty-five (55) gallon oil drums are not legal containers. Plastic bags are acceptable if they are tied and have sufficient strength to avoid tearing and ripping. Loose trash piled in front or behind business establishments or in open rooms is not permitted. All dumpsters, containers or tied plastic bags shall be placed on the sidewalk or within three (3) feet of the street in front of the place of business.

(2) (a) It shall be unlawful for any individual, corporation, association or other entity to permit garbage cans, trash containers or other containers for the retention of trash, garbage or refuse, to be on the public sidewalks of the city within areas designated as C-3, Central Commercial Districts, pursuant to the zoning code, before the hour of 4:00 p.m. each day.

(b) The prohibition contained above shall not apply to those containers for garbage, trash or refuse placed upon the public sidewalks of the city by duly authorized governmental agencies.

(c) The presence of garbage, trash or refuse containers on the public sidewalks of the city by virtue of the failure of the duly authorized garbage and trash collection agencies of the city to perform their duties shall not constitute a violation hereof.

(3) All householders, owners, tenants, lessees, and/or occupants of any residence within the corporate limits of this city shall provide, at their own expense, proper receptacles or containers as provided here within.

(C) Special pickup day for residences.

(1) The Department of Public Works will have special trash pickup service available for residents of the City of Pikeville on Wednesday of each week for items that are too large to fit in the described containers listed above.

(2) Residents must call Public Works to schedule all special trash pickups. Public Works will take the first twenty-five (25) orders before cutting off the service for that week. Additional overflow orders will be placed on the following week's schedule. Residents will be given the choice to take their order to the transfer station on Mondays and Fridays as an alternative if pickup cannot be accommodated for that week.

(3) All special pickup items must be curbside service. All items cannot be carried to the curb until Tuesday evening after 6:00 p.m. for Wednesday service. Any resident violating this time frame will be subject to an environmental nuisance complaint and subject to a citation for a violation.

(4) Residents are entitled to one (1) free load per month. All additional loads will be charged a fee of thirty-five dollars (\$35.00) per load.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

**§ 50.18 CHARGES FOR SERVICES.**

The charges for garbage collection services shall be as follows:

(A) The rate for the collection of garbage from residential and noncommercial customers shall be ten dollars (\$10.00) per month for twice a week pickup.

(B) The rate for the collection of garbage from large businesses shall be sixty dollars (\$60.00) per month for twice a week pickup.

(C) The rate for the collection of garbage from small businesses shall be thirty dollars (\$30.00) per month for twice a week pickup.

(D) The rate for the collection of garbage from businesses that have dumpsters shall be at a rate of three dollars seventy-five cents (\$3.75) per cubic yard of dumpster size, per pickup.

(E) The rate for dumpster rental will be as follows:

2 yard	\$25.00 per month
3 to 4 yard	\$50.00 per month
6 to 8 yard	\$75.00 per month

(1) Anyone requesting a dumpster for a period of more than three (3) consecutive or nonconsecutive days within a sixty (60) day period will be required to pay the full month's rental fee.

(2) Anyone renting a dumpster less than three (3) consecutive or nonconsecutive days within a sixty (60) day period will not be required to pay a rental fee.

(F) The rate for roll off pull will be as follows:

20 yard open top container	\$150.00 each pull (plus landfill tipping fee of \$30.00 per ton)
30 yard open top	\$175.00 each pull

container	(plus landfill tipping fee of \$30.00 per ton)
40 yard open top container	\$200.00 each pull (plus landfill tipping fee of \$30.00 per ton)

(G) The rate for compactor pull will be as follows:

\$225.00 for each pull (plus landfill tipping fee of \$30.00 per ton)
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(H) The rate for compactor and roll off rental will be as follows:

16, 20 or 40 yard compactor	\$200.00 per month
20, 30 or 40 yard roll off	\$200.00 per month

(I) Transfer station charges: Transfer station will be open on Mondays and Fridays between 1:00 p.m. and 4:30 p.m. for City of Pikeville residents and commercial accounts for trash disposal. Residents must present an ID showing proof of residency. The following fees will be applied for transfer station dumping.

Residential	
The first small or average size pickup or smaller vehicle will be no charge	\$0.00
Second small pickup per load	\$15.00
Second full size pickup with sides per load	\$25.00
Commercial	
Dump fee per load	\$35.00
Additional fee per ton	\$30.00

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 0-95-002, passed 5-22-95; Am. Ord. 0-2001-004, passed 2-7-01; Am. Ord. 2007-032, passed 10-9-07; Am. Ord. 0-2008-010, passed 3-13-08; Am. Ord. 0-2008-016, passed 6-23-08; Am. Ord. 0-2011-028, passed 9-12-11)

**§ 50.19 BILLINGS: WHEN DUE; REMEDIES FOR NONPAYMENT.**

(A) All charges for services of this garbage collection and disposal system shall be due and payable the fifteenth day of the month following the month in which the services are rendered and shall be billed to the person, concern, corporation, association or property owner by the city Utilities Department on the first day of the month following the month when services are rendered. Such charge may be included along with the bill for any other utility service (such as water, sewer

or gas) or may be billed by separate bill.

(B) The charge for collection of garbage and trash shall be billed either to the occupant of the property or the owner of the property as reflected in the Pike County Property Valuation Administrator's office. Both the occupant and property owner shall jointly and severally be liable for said collection fee. The city shall be entitled to a lien upon the property for unpaid garbage and trash collection fees. The city may disconnect utility services to any property for which there is an unpaid garbage and trash collection fee. The city may include the bill issued by the city to the owner of the property in the event that the occupant does not pay the garbage and trash collection fee, regardless of whether the utility service bill in which the garbage and trash collection fee is added is for other utilities being supplied to the property. The city may disconnect any utility services to any person, concern, corporation or association which owes outstanding garbage and trash collection fees connected to the property in which the garbage and trash collection fee was incurred. It is the intent of this section to make property owners fully liable for unpaid garbage and trash collection fees in connection with the collection services for the owner's property.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

### **§ 50.20 REVENUES TO BE PAID INTO A GARBAGE ACCOUNT FUND.**

All revenues accruing to the city under the provisions of this chapter shall be paid into a Garbage/Trash Account Fund of the city and all expenses incident to the maintenance and replacement of the garbage pickup and disposal systems shall be defrayed out of the Fund. The Public Works Manager shall approve all day-to-day expenditures before they are made. However, all major capital expenditures shall be approved by the City Manager.

(Ord. 0-92-005, passed 2-24-95; Am. Ord. 2007-032, passed 10-9-07)

### **§ 50.21 CONTRACTING FOR SERVICES.**

The city shall have the right to contract out for any of the services herein provided for upon any terms and conditions it may deem proper.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)

### **§ 50.22 PROHIBITIONS.**

No person or persons shall dispose of these items within their normal solid waste collection:

(A) Hazardous waste, herbicides, pesticides and chemicals;

(B) Liquid waste such as oil, paint, gasoline and antifreeze;

(C) Tires and rubber products;

(D) Dead animals and pathological waste/medical waste;

(E) Batteries;

(F) Construction/demolition material including but not limited to concrete, lumber, bricks, blocks, asphalt, gravel and the like;

(G) Explosives or other volatile substances;

(H) Fire, embers, ashes and other such fire causing materials;

(I) Poisons and toxic waste;

(J) Industrial or commercial wastes of any type;

(K) Motor vehicle parts or metal in large amounts;

(L) Nuclear or radioactive waste;

- (M) Stumps, logs or tree limbs;
- (N) Sludges of semi-solid fluids; and
- (O) All other hazardous wastes.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

### **§ 50.23 PROHIBITED PRACTICES.**

- (A) To dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the city with or without the consent of the owner of the premises;
- (B) To dump or permit the dumping of garbage, refuse, rubbish and debris on any property within the city;
- (C) To deposit solid waste in any solid waste container other than his or her own, without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
- (D) To fail to have solid waste collected as provided in this chapter;
- (E) To interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city or those of a solid waste collection agency operating under contract with the city;
- (F) To burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
- (G) To dispose of dead animals in any container to be collected by the city;
- (H) To own or operate an open dump;
- (I) To engage in the feeding of food waste to animals for commercial purposes;
- (J) To dispose of solid waste at any facility or location which is not approved and permitted by the city;
- (K) To engage in the business of collecting, transporting, processing or disposing of solid waste within the geographical boundaries of the county without a permit, contract or franchise agreement from the city, operate under an expired permit, or operate after a permit has been suspended or revoked, or contract or franchise agreement canceled; and
- (L) To violate any section of this chapter or any other rule or regulation promulgated under the authority of the city.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

### **§ 50.24 STANDARDS FOR RESIDENTIAL; COMMERCIAL; INSTITUTIONAL AND INDUSTRIAL USE STORAGE CONTAINERS.**

All users which generate more than a volume of two (2) cubic yards (that is, approximately equivalent to five hundred (500) pounds or one quarter (1/4) ton or four hundred (400) gallons) of solid waste per week as predetermined by the Public Works Manager shall be required to provide bulk containers for storage as approved by the Public Works Manager. The containers shall be water proof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by the Public Works Manager.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

### **§ 50.25 AIR TIGHT CONTAINERS.**

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible particularly to children, any abandoned or unattended white goods (that is, icebox, refrigerator or other receptacle that has an airtight door) without first removing the door.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99



## **§ 50.26 STORAGE CONTAINERS NOT IN COMPLIANCE.**

Solid waste containers which do not meet the specifications as outlined in this chapter shall be considered waste and will be collected together with their contents and disposed of.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)

## **§ 50.27 AUTHORITY FOR COLLECTORS TO ENTER PRIVATE PROPERTY.**

Solid waste collectors, employed by the city or a solid waste collection agency operating under contract with the city, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)

## **§ 50.28 COLLECTOR'S RESPONSIBILITY DEFINED.**

Solid waste collectors operating within the city shall be responsible for the collection of solid waste from collection points to a transportation vehicle, provided solid waste is stored in compliance with provisions set forth in this chapter. Spillage or blowing litter, caused as a result of the duties of the solid waste collector, shall be collected and placed in the transportation vehicle by the collector.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)

## **§ 50.29 HAZARDOUS WASTE.**

Hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

## **§ 50.30 RULES AND REGULATIONS.**

The City Manager shall make, amend, revoke and enforce reasonable rules and regulations, governing, but not limited to;

- (A) Preparation, drainage and wrapping of garbage deposited in solid waste containers;
- (B) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof;
- (C) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any;
- (D) Weight limitations on the combined weight of solid waste containers and the content thereof and weight and size limitations on bundles of solid waste too large for solid waste containers;
- (E) Storage of solid waste in solid waste containers;
- (F) Sanitation, maintenance and replacement of solid waste containers;
- (G) Schedules of and routes for collection and transportation of solid waste;
- (H) Collection points of solid waste containers;
- (I) Collection, transportation, processing and disposal of solid waste;
- (J) Processing facilities and fees for the use thereof;
- (K) Disposal facilities and fees for the use thereof;
- (L) Records of quantity and type of wastes received at processing and/or disposal facilities;

(M) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases and the like; and

(N) Reporting requirements of permittees.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)

### **§ 50.31 PERMITS.**

(A) Permit requirements. No person shall engage in the business of collection, transporting or processing of solid waste within the city without a permit secured from the City Manager. A permit shall be issued hereunder only in the event that the city is unable to effectively collect, transport or process solid waste from a particular business or businesses. In that event, the City Manager shall certify that the city is unable to effectively collect, transport or process the solid waste of a particular business or businesses and state therein the reasons. A permit shall not be required of any person collecting, transporting or processing of solid waste under contract or employment with the city.

(B) Insurance requirements. No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain within the City Manager evidence of a satisfactory public liability insurance policy including uninsured and underinsured motorists, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than one million dollars (\$1,000,000.00) for each person injured or killed, and in the amount of not less than one million dollars (\$1,000,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in the amount of not less than five hundred thousand dollars (\$500,000.00) for damage to property. Workmen's compensation and employee's liability insurance to cover injury or death to any of the employees or workmen in an amount required by the state. Should any such policy be canceled, the City Manager shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

(C) Permit application. Each applicant for any such permit shall state in his or her application the following:

- (1) The nature of the permit desired, as to collect, process or transport solid waste or any combination thereof;
- (2) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership with disclosure of the ownership interests;
- (3) The number of employees and solid waste collection vehicles to be operated thereunder;
- (4) Rates the applicant plans to charge the customer(s);
- (5) Location or locations of solid waste processing or disposal facilities to be used;
- (6) The customer name(s) and location(s); and
- (7) Other such information as required by the City Manager.

(D) Permit issuance. If the application shows that the applicant will collect, transport and process solid waste without hazard to the public health or damage to the environment and in conformity with the laws of this chapter, the City Manager may issue the permit authorized by this chapter. The permit shall state the specific location or locations from which the permittee may collect solid waste. The City Manager shall have the authority to limit the number of permits issued or locations to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with food solid waste management practices. The permit shall be issued for a period of one (1) year, and each applicant shall pay a fee of two hundred dollars (\$200.00). If modifications can be made to the application regarding service, equipment or mode of operation so as to bring the application within the intent of this chapter, the City Manager shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done. A permit may be amended upon application so to include additional locations.

(E) Application denial. If the applicant does not make the modifications pursuant to the notice in § 50.01 within the time limit specified therein; or if the City Manager has not made the required certification set forth in division (A); or if the application does not clearly show that the collection, processing or transportation of solid waste will not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the City Manager, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his or her application provided that all aspects of the reapplication comply with the provisions of this chapter. Nothing in this section shall prevent the denial of a permit should the total number of annual

permits have already been issued.

(F) Annual fee and renewals. The permit may be renewed upon payment of the fee as required herein if the business has not been modified, the collection vehicles meet the requirements of this chapter, and the renewal is approved by the City Manager. If modifications have been made, the applicant shall reapply for a permit as set forth in this chapter. No permits authorized by this chapter shall be transferable from company to company or person to person. In the event that the City Manager determines that the city has obtained the ability to collect, transport or process the solid waste of the business or businesses specified in any permit, the permit will not be renewed in regard to any business concern which the city can service.

(G) Inspections. In order to insure compliance with the laws of this chapter and rules and regulations authorized herein, the City Manager is authorized to inspect all phases of solid waste management within the city. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspection reveals violation of this chapter, the City Manager shall issue notice for each such violation stating therein the violation or violations found, the corrective measure to be taken, together with the time in which such corrections shall be made.

(H) Permit suspension. In all cases, when the corrective measures have not been taken within the time specified, the City Manager shall suspend or revoke the permit or permits involved in the violations. However, in those cases where an extension of time will permit correction and there is no public hazard created by the delay, one extension of time not to exceed the original time period may be given.

(I) Injunctive relief. In the event a permit is revoked and the person continues to operate, the City Manager may request the action of a court of law to enjoin the acts and to enforce compliance with this chapter or any rule or regulation promulgated thereunder.

(J) Appeal. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the City Manager may, within fifteen (15) days of the act for which redress is sought, appeal directly to the city in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

(K) Permit display. All motor vehicles operating under any permit required by this chapter shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than two (2) inches high. A copy of the permit shall be maintained in the vehicle. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07) Penalty, see § 50.99

### **§ 50.99 PENALTY.**

Any person, owner, his or her agent, corporation or firm who violates any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) or imprisoned for not more than fifty (50) days, or both, for each offense. Each day on which any such violation occurs shall constitute a separate offense. These criminal penalties shall be in addition to any civil remedy in which the city may have at law.

(Ord. 0-92-005, passed 2-24-92; Am. Ord. 2007-032, passed 10-9-07)