

Chapter 129

SOLID WASTE

[HISTORY: Adopted by the Mayor and Council of the Town (now City) of Seat Pleasant as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 59.

Building construction — See Ch. 63.

Fire prevention — See Ch. 88.

Health and sanitation — See Ch. 101.

ARTICLE I Restrictions

[Adopted 12-16-1968 as §§ 14-3, 14-4, 14-20, 14-21 and 14-24 of Ch. 14 of the 1968 Code]

§ 129-1. Carnival grounds.

It shall be unlawful for any owner or owners of any lot, lots or squares of ground in the City, or their agents, who shall let such lot, lots or squares of grounds for any circus, carnival or other exhibitions to fail, within 24 hours after the carnival, circus or exhibition shall have left, to clear and remove from any such lot, lots or squares of ground all wastepaper, sawdust, shavings, vegetable matter, paper, rubbish, litter or any dead animal, offal, garbage, putrescible matter of any sort or any other matter or deposits of any kind or thing injurious to public health and safety.

§ 129-2. Burning of garbage and trash.

It shall be unlawful for any person to set on fire or cause to be burned within the limits of the City any garbage, filth, rags, rubber or other substances which emit strong offensive odors.

§ 129-3. Dumping.

It shall be unlawful for any person to throw, dump or deposit any trash, junk or other refuse upon the land or property of another without the written consent first had and obtained of the owner thereof or under the personal direction of such owner or to throw, dump or deposit any trash, junk or other refuse upon any public street or sidewalk within the corporate limits of the City of Seat Pleasant.

§ 129-4. Accumulation or deposit. [Amended 6-9-1986 by Ord. No. 86-01]

- A. It shall be unlawful for any person (including but not limited to any real person, partnership, corporation or firm) within the corporate limits of Seat Pleasant to cause or permit the accumulation of litter, either temporarily or permanently, on any property owned by, in the possession of or controlled by such person. [Amended 2-14-1994 by Ord. No. 94-01]
- B. It shall be unlawful for any person (including but not limited to any real person, partnership, corporation or firm) within the corporate limits of Seat Pleasant to cause or permit the open storage for any period of time any icebox, refrigerator, stove, glass, building materials, building rubbish or refuse, furniture or similar items or materials, irrespective of age or condition. [Amended 2-14-1994 by Ord. No. 94-01]
- C. It shall be the duty of any person (including but not limited to any real person, partnership, corporation or firm) to store all accumulated garbage, rubbish or litter in private receptacles in sound condition. Any business requiring outside receptacles must comply with any City, county and state requirements for enclosing them.
- D. Upon the failure, neglect or refusal of any person (including but not limited to any real person, partnership, corporation or firm) who is duly notified to properly dispose of litter within the time limits provided in this section, the City of Seat Pleasant shall have the authority at such person's expense.

Any charges or expenses assessed against a violator who is the owner of a property on which a violation is found and abated shall be a lien against the property to dispose of such litter.

E. Upon the failure, neglect or refusal of any person (including but not limited to any real person, partnership, corporation or firm) duly notified to properly dispose of any material in Subsection B or any material considered dangerous to the public within three days of the date of receipt (the returned receipt) or the physical posting of the property, after such date the City of Seat Pleasant have the authority to dispose of all material. It shall be the responsibility of the owner to reimburse the City of Seat Pleasant for the cost of disposal.

§ 129-5. Violations and penalties. [Amended 3-13-78 by Ord. No. 78-03]

A. Notice. Upon receipt of a complaint charging a violation of this article, an authorized agent of the City shall make an investigation of the complaint. If the complaint is justified, he/she shall cause the City to notify the owner or occupants of the property of the violation. One copy of the notice shall be prominently affixed to the property and the other shall be served in person or by registered mail. The notice of violation shall specify the complaint and provide five days to appeal a notice served in person or 10 days for one served by registered mail.

B. Appeal and hearing. Any notice of violation appealed by the property owner or occupant shall result in a hearing before the Mayor and City Council within 30 days. The owner or occupant of the property found in violation may show cause why the property is not in violation or an extension of time is necessary to remedy the violation. The findings of the Mayor and Council shall be conclusive.

C. Compliance. If the property owner does not comply with the findings of the Mayor and Council, the Mayor and Council shall take the necessary steps to bring the property into compliance. Any costs incurred by the City to bring the property into compliance shall be charged to the property owner. All costs not repaid by the owner before the next tax levy shall be included as part of his/her tax assessment and payable as a tax levy. Such assessment shall be in addition to other findings applicable under this article.

ARTICLE II
Littering

[Adopted 12-16-1968 as § 25-9 of Ch. 25 of the 1968 Code]

§ 129-6. Prohibited acts.

It shall be unlawful for any person or persons to throw, deposit, scatter or drop, or cause to be thrown, deposited, scattered or dropped, in or upon any public highway, street, alley or in or upon any place or space within the corporate limits of the City of Seat Pleasant, any sawdust, shavings, vegetable matter, metal cans, bottles, glass of any description, pans or pails, rubbish, trash, any dead animal, offal matter, garbage, putrescible matter of any sort or any matter or thing injurious to public health.

§ 129-6.1. Retail food establishments. [Added 4-14-2008 by Ord. No. 08-02]

A. As used in this section, "retail food establishment" means any vendor of carry-out prepared food and drink for immediate consumption, including, without limitation, and to the extent that they sell such food or drink, a fast-food establishment, convenience store, delicatessen, grocery store, restaurant and bar.

B. Each retail food establishment shall place and maintain on the exterior of its premises, in places easily accessible by the public, receptacles for the deposit of paper and other litter, trash and refuse generated by or from the operation of the establishment.

C. The owner, operator and manager of each retail food establishment shall arrange for the receptacles required by Subsection B of this section to be dumped into the establishment's commercial bulk trash container at such intervals as required to prevent the overflow of litter, trash and refuse from the receptacles onto the adjacent and nearby grounds.

D. The owner, operator and manager of each retail food establishment shall keep the exterior of its premises and adjacent public ways and adjacent properties free from litter, trash and refuse generated by or from the operation of the establishment.

E. Any person who violates the provisions of this section shall be subject to a fine as provided in § 129-7.

§ 129-7. Violations and penalties. [Amended 2-14-1994 by Ord. No. 94-01]

Any person or persons who shall violate the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, be sentenced to pay a maximum fine of \$1,000 and/or six months maximum imprisonment.

ARTICLE III
Trash Enclosures
[Adopted 12-14-1981 by Ord. No. 81-04]

§ 129-8. General provisions.

All uses other than single-family dwellings and duplexes shall provide adequate and accessible enclosures for the storage of trash and refuse in proper containers. Said enclosure shall either be an area fully contained within a building or be an area fully screened from public view by masonry, slatted chain link or solid wood fencing at least six feet in height; and uses existing prior to September 1981 which have not complied with the above shall be made to comply with the requirements of the above within 60 days from the date of enactment hereof.

§ 129-9. Violations and penalties. [Amended 2-14-1994 by Ord. No. 94-01]

Any property owner not complying with the terms of this article shall be guilty, upon conviction, of a municipal infraction and subject to a fine of \$400.

ARTICLE IV
Refuse Collection
[Adopted 12-16-1968 as §§ 14-2, 14-24 and 14-25 of Ch. 14 of the 1968 Code]

§ 129-10. Permit required.

It shall be unlawful for any person, firm or corporation to collect, purchase or accept or to offer to collect, purchase or accept within the corporate limits of the City any garbage, waste, scrap or trash of any kind or description, except where a permit from the Mayor and Council has first been had and obtained or an agreement has been duly executed by the Mayor and Council authorizing such collection, purchase or acceptance.

§ 129-11. Special assessments.

The Treasurer of the City is directed to levy against each property improved by residential development and to collect annually a special assessment at a uniform rate which shall be determined by the Mayor and Council, the money derived from such special assessment to be used exclusively for the establishment and/or maintenance of a refuse collection and disposal service within the City, said service to be either as a municipal operation or by contract with an independent contractor. The Mayor is authorized to contract, subject to approval of the Council, specially with owners of commercial and industrial property for the collection and disposal of said refuse. The Treasurer is also authorized and empowered to levy and collect the special assessment provided for in this section in the same manner provided for the collection of City taxes in Seat Pleasant. It shall be within the discretion of the Mayor and Council to waive payment of the special assessment against any individual property and to withhold or suspend refuse collection services therefrom.

§ 129-12. Residential collections. [Added 4-14-1969 by Ord. No. 69-02]

A. All refuse, trash and garbage shall be placed in containers of not less than 10 nor more than 20 gallons' capacity. Refuse containers shall be provided by the owner or tenant and maintained in a leakproof and sanitary condition. No trash or garbage shall be placed in paper or cardboard containers. Containers shall be made of metal or of a type approved by the Mayor and Council and shall have tight-fitting lids. No container shall be too heavy to be manageable by one person.

- B. Trash and garbage containers shall be placed at the curb for collection no earlier than darkness of the day before collection and must be removed to the rear of properties and out of public view by darkness on the day of collection.
- C. Commercial establishments and multifamily residences of more than three units shall be exempt from Subsections A and B. Editor's Note: Former Subsection C, dealing with recyclables, was deleted 2-14-1994 by Ord. No. 94-01. See now Art. V, Recycling, of this chapter.
- D. Public trash receptacles shall be used exclusively for street litter.

§ 129-13. Violations and penalties. [Amended 2-14-1994 by Ord. No. 94-01]

Violations of the provisions in this article shall constitute a municipal infraction with a fine of \$400.

ARTICLE V
Recycling
[Adopted 4-9-1990 by Ord. No. 90-05]

§ 129-14. General provisions.

The City administration will secure the necessary containers for each household and provide collection and recycling information.

§ 129-15. Advertisement.

The City administration will not limit the advertisement of this article to Charter requirements but will set as its goal additional advertisement to ensure that each citizen has had the opportunity to be made amply aware of the Seat Pleasant recycling program.

§ 129-16. Materials. [Added 2-14-1994 by Ord. No. 94-01]

- A. Newspapers, magazines, aluminum, glass and plastic shall be securely bundled and tied before being placed at collection points. Such items shall be reduced to a size manageable by one person. Items which were used of containment of oil, solvent, gasoline or alcohol shall not be deposited in containers.
- B. Commercial establishments and multifamily residences of more than three units shall be exempt from this section.

§ 129-17. Violations and penalties. [Amended 2-14-1994 by Ord. No. 94-01]

Any violation of this article shall be deemed a municipal infraction punishable by a fine of \$400.