

ORDINANCE NUMBER 2010-3

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NUMBER 2008-2
AND THE CITY OF STARKVILLE CODE OF ORDINANCES CHAPTER 94, SOLID
WASTE FOR THE PURPOSE OF REVISING SAID ORDINANCE AND CODE**

WHEREAS, the City of Starkville has recognized the importance of the conservation and recycling in its daily operations; and

WHEREAS, the Mayor and Board of Aldermen having reviewed the recommendations of the Beautification Committee and the Solid Waste and Recycling Committee and their recommendations for approval of this Ordinance; and

WHEREAS, the Mayor and Board of Aldermen believe there is a need to revise the City's active solid waste ordinances with an emphasis on recycling and conservation and believe that it is in the best interest of the City of Starkville to adopt an Ordinance to enact these revisions;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville, Mississippi as follows:

SECTION I. RECITALS

The foregoing recitals are true and correct, and included herein.

SECTION II. STATEMENT OF INTENT

Ordinance Number 2008-2 shall hereby be repealed and replaced by the following:

Section 1. Definitions for purposes of this ordinance.

As used in this ordinance the following terms shall have the meaning specified:

Accumulate: To pile up, collect, or gather together over a period of time.

Animal manure: Body waste of animals and fowl and cleanings from barns, stables, corrals or pens used for stabling animals, fowl, birds and the like.

Building: Any public or private structure that is used or adapted for use for human habitation, transaction of business, rendering professional services, amusement or pleasure, for the production, manufacture, display, storage or treatment of goods, wares or merchandise, or for the performance of work or labor.

Commercial and domestic building material: Sand, earth, humus, wood, stone, brick, concrete, construction blocks, roofing, wallpaper and other materials remaining after construction work of any type is complete, including the remains of relocation projects.

Commercial and domestic garbage: Waste products of all animal and vegetable matter resulting from growing, processing, marketing and preparation of food items, including the containers in which these items were packaged.

Commercial trash: All trash from commercial operations, including but not limited to cans, bottles, paper, cardboard and crates.

Commercial rubbish: Every waste accumulation of dust, paper cartons, cardboard cartons, rags and other accumulations which are usually attendant to the operation of stores, offices, and similar businesses.

Commercial waste: Trees, shrubs, weeds, plants, grass and other growing things or parts of growing things which accumulate as a result of clearing, pruning, construction or other operations. Such waste shall be sized in pieces not to exceed 6 inches in diameter and no more than 84 inches (7 feet) in length.

Construction waste: Materials that are remaining from a construction site either commercial or residential that include such items as plumbing supplies, electrical supplies, concrete, masonry, lumber, roofing materials and other materials consistent with construction projects. Such waste shall be handled by a private contractor licensed to do business within the City of Starkville.

Container: A plastic refuse bag, residential plastic refuse can with a lid and/or a commercial-type refuse container (“dumpster”) furnished by the City; [“corrals” or other open-sided containers used to hold bagged garbage at the curb are not containers and are prohibited by this ordinance.]

Contractor: Any person who is a party to an approved contract or license from the City through competitive bidding for the collection of waste, garbage and trash as described in this ordinance.

Dead animals: Dead animals not intended to be used for food purposes.

Domestic waste: Tree trimmings, stumps, logs, tree trunks, lake or eel grass, yard grass, diggings, discarded furniture, appliances and other miscellaneous household discards.

Disposal: The final disposition of waste by man. This does not include its ultimate dissemination by forces other than man.

Disposal site: A location, tract of land, area, building, structure, or premises used, or intended to be used, for partial and/or total refuse disposal.

Dump: A site, without effective control, where solid waste is disposed of in an improper and unsanitary manner.

Dwelling unit: Each unit in any single-family, duplex, triplex or multifamily residential living unit with kitchen facilities.

Garbage: Every waste accumulation and animal and vegetable matter which attends the preparation, use, cooking, processing, handling, or storage of meats, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects, or animals. (For the purpose of this ordinance, "garbage" shall also include commercial rubbish.)

Garden trash: Every waste accumulation of lawn grass, shrubbery, or dry leaf rakings free of dirt, rocks, large branches, and bulky noncombustible material.

Household rubbish: Any and all accumulations of waste material from the operation of a home, which is not included in the definition of garbage. Household rubbish may include all appliances, furniture or yard toys. Waste generated by contract or agreement for financial or material consideration of one-thousand dollars (\$1,000) or more, or building material waste generated by contractors or do-it-yourself projects is not household rubbish. Solid waste generated by property clearance, tree removal, major trimming, or wood harvesting is not household rubbish.

Insecticide: Any chemical used singularly or in combination in any form for the purpose of killing or controlling flies or other insects or preventing their breeding.

"Junk" and/or "scrap" and/or "salvage": Means solid waste material having nominal or no value including: aluminum cans, steel cans, plastic containers, glass, bottles, paper, cardboard, scrap metal, tin, junk car bodies, junk vehicles, scrap iron, old parts, old lumber, windows, doors, roofing materials, wire, fencing material, brick, concrete, old farm implements, broken machinery and equipment, old pipes, tires, tire rims, hub caps, old plumbing fixtures, tanks, oil drums, batteries, 'junk' furniture, and appliances including but not limited to 'junk' refrigerators, stoves, washing machines, dryers, water heaters and other appliances that are non-operational and non-functional

Litter: Solid wastes that are scattered about in a haphazard manner.

Multi-family dwelling unit: The individual unit in any building or structure with kitchen facilities capable of being utilized for residential living, other than a hotel or motel unit, and containing four or more units under one roof.

Non-conforming items: Rubbish which exceeds the City's or the City's contractor's allowable pick-up dimensions or is not included in the contractor's agreement for pick-up.

Occupant: A person who has the use of or occupies a building or a part or fraction of a building, whether such person is the owner or some other person having the care, custody, possession or control of the building.

Owner: The person who holds legal title to a building or the agent of that person, or some other person having the care, custody, possession or control of a building or to whom rent for the building is paid.

Recyclable materials: Those components of solid waste capable of being recycled, including newspaper; glass; food and beverage containers; aluminum, tin-plated steel and bi-metal cans; polyethylene terephthalate (PET) and high-density polyethylene (HDPE); and any other solid waste materials which are from time to time so designated by the City.

Recycling container: Any holder or receptacle of recyclable materials that is designated as such by the City of Starkville. This definition includes marked recycling bags or stationary recycling containers provided by the City of Starkville or its contractor for residential or commercial recycling use.

Refuse: Garbage, trash, rubbish and waste of every form, including containers in which food and beverages are packaged.

Residual insecticide: An insecticide that adheres to a surface and remains toxic to flies for an extended period of time.

Sanitary condition: Refers to a refuse container's state, free of noxious odors and fumes and cleansed of liquid and semi-liquid wastes with bleach or other sanitizing agents.

Solid waste: Garbage, trash, household rubbish, "junk", "scrap", "salvage" or any combination thereof.

Spot treatment: Application of a residual insecticide spray to a specific area for the purpose of controlling or preventing infestation.

Trash: Garden trash, household rubbish, and tree trimmings, or any combination thereof

Tree trimmings: Every accumulated waste of tree branches, parts of trees, bushes: or shrubs, leaf cuttings, fruits, or other matter which usually creates waste in the care of trees and large bushes.

User: Any person, firm, or corporation, or any residential, commercial, or industrial establishment that utilizes the City's solid waste collection service(s), whether the solid waste is collected in a City-furnished metal container, plastic bags, or not containerized at all (as in the case of large tree trimmings, appliances, etc.).

Section 2. Property maintenance.

All residential customers and all business, commercial or industrial establishments within the City shall be responsible for picking up and placing in containers any and all solid waste which may accumulate on the premises of such customers or establishments.

- A. *Accumulations of metal cans.* No person shall at any time permit metal cans to accumulate on his premises. No cans shall be placed in the City sponsored containers unless they are free from putrid substances. The City or its contractor will at regular intervals remove the cans from sponsored or designated pickup sites and dispose of them in a proper manner. Whenever possible, the City will pick up cans through its curbside recycling program.
- B. *Accumulations of newspapers.* No person shall at any time permit newspapers or similar newsprint products to accumulate on his/her premises. The Sanitation Department or its contractor shall provide metal containers at suitable locations around the City for the collection of newsprint materials. Whenever possible, the City will pick up newspapers through its curbside recycling program.
- C. *Accumulations of paper boxes or similar containers.* Any person operating a business establishment within the City where paper or cardboard boxes or other paper or fiber containers are used shall not permit the boxes to accumulate on the premises, and shall dispose of them in the refuse containers provided by the City or the City's contractor or shall contract as appropriate for their removal from the premises of the business establishment.

D. *Accumulations of refuse; noxious vegetation; unlawful dumping.*

1. The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead, or living plant life; or stagnant water, rubbish, garbage, refuse, debris, trash, including but not limited to household furnishings, and all other objectionable, unsightly or unsanitary matter upon any lot, tract, parcel of land, or the streets adjacent to the land, within the City be it uncovered or under open shelter, to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or adversely affect and impair the economic welfare of adjacent property, or any other objectionable, unsightly substance or material tending by its existence and/or accumulation to endanger or adversely affect the health, safety, lives and/or welfare of the citizens of the City, is hereby prohibited and declared to be a public nuisance and unlawful.
2. It shall be unlawful for any person to cause or permit junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, or any abandoned parts, machinery or machinery parts, garbage, trash or other waste materials to be in or upon any yard, garden, lawn, outbuildings or premises owned, rented, leased or otherwise occupied by him/her in the City unless in connection with a business enterprise lawfully situated and licensed for the same.
3. It shall be unlawful for the owners or occupants of any land or premises in the City to permit the excessive growth of weeds and other noxious plants on the land.
4. It shall be unlawful for any person to cause or permit dumping of refuse, waste, trash or garbage on abandoned or vacant property anywhere in the City unless the site has been posted by the City as an approved dump site.

E. *Correction of violations.* The City shall have the power to enter upon private property, at reasonable times, to investigate conditions relating to provisions of this ordinance. Whenever, in the opinion of the Sanitation Department Head or the Building Code Official, the owner or occupant of any property in the City has violated any of the provisions of this section, the aforementioned authorities, via the Code Enforcement Officer, shall give ten (10) calendar days notice in writing to the owner, if his address can be ascertained by reasonable diligence, and, if not, by posting it in a conspicuous place on the property, requiring the owner or occupant to remove immediately or prevent the offending condition described in the notice. On failure of the owner or occupant to do so within the ten-day (10) period, he shall be in violation of this Section and subject to the penalties provided in this Code, and the City may correct the offending condition at the owner's or occupant's expense.

Section 3. Collection required; collection contractor.

- A. The City shall collect, or cause to be collected through issuance of a negotiated contract, all solid waste and recyclable materials at regular intervals to be determined by the City. All solid waste in the business section of the City shall be collected and disposed of at regular intervals; and the owner or operator of each business establishment shall be required to pay the expenses of collecting and disposing of that solid waste. All residents, occupants or owners of residential premises in the City shall be required to have accumulations of solid waste removed and disposed of by the City, its contractor or an independent contractor for hire engaged by the resident, business owner or operator.

- B. No contractor shall collect or convey over any of the streets or alleys of the City, or dispose of any refuse accumulated in the City without a privilege license issued by the City. This subsection shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of the refuse, provided the provisions of this Code are complied with. This subsection shall not prohibit collectors of refuse from outside the City from hauling the refuse over City streets; however, such collectors must comply with this Code and with all other laws and ordinances governing such transport.

Section 4. Containers.

- A. *Compaction of refuse.* Prior to depositing refuse for collection in garbage containers or commercial containers, the owner or other person depositing such refuse shall collapse all cardboard boxes and other items which can reasonably be reduced in size. Whenever possible such deposit should be made to the recycling bins available for such use.
- B. *Specifications.* Refuse containers are required as follows:
1. *Residential containers.* Each resident will be provided waterproof plastic bags of heavy mil construction by the City's Sanitation Department which can be safely and securely closed. The owner of real property shall be responsible for furnishing adequate refuse containers for the property as provided by the City. Any resident who desires to purchase an individual plastic container may do so understanding that said container is the responsibility of the resident to obtain and maintain and shall be placed for pick-up in accordance with the requirements of Section 5(E) of this ordinance.
Each resident will be provided a separate waterproof plastic recycling bag of heavy mil construction by the City's Sanitation Department which can be safely and securely closed. The recycling bags will be picked up on a schedule that will be provided by the Sanitation Department and will include the necessary instructions for compliance with this ordinance. Such designated recycling bags will not be eligible for placement on the curbside other than on the day of pickup by the City or its contractor. Any such use of the designated recycling bags other than for recycling will be a violation of this ordinance. Upon placement of the recycling container at the curb for pickup per the recycling program said container becomes the property of the City of Starkville to be disposed of in accordance with this ordinance and to provide the City with remuneration for the support and continuation of the recycling program. Tampering with, opening and removing recyclables from said container shall be considered a violation of this ordinance.
 2. *Commercial containers.* All commercial garbage deposited in refuse containers must be placed in plastic bags, garbage container liners or other containers that shall be approved by the Sanitation Department Head. Any commercial establishment or commercial or residential project not using refuse containers owned by the City or its designated contractor, shall furnish roll-off containers which are adequate to hold all demolition and construction materials as well as tree trimming wastes.
- C. *Use of City-owned containers.* The City may furnish refuse containers owned by the City to all commercial establishments. It shall be the duty of the Sanitation Department Head to regulate the placement of all City-owned refuse containers.
- D. *Prohibited commercial receptacles.* No commercial refuse shall be deposited in or collected from an open bin, trash room, oil drum, box or any other receptacle not authorized in this ordinance.
- E. *Disposal of ashes.* Ashes shall be cooled for 24 hours before depositing the ashes in any commercial refuse container. Any establishment depositing hot ashes in any refuse container within the City which cause damage to the refuse container shall be responsible for the costs of replacing the damaged refuse container.

- F. *Maintenance.* All refuse containers shall be maintained and kept in a sanitary condition by the lessee of record with the City. Periodic treatment of the interior of a refuse container with a residual insecticide by the user may be required. Any refuse containers which fail to meet these sanitary standards are declared to be a nuisance by order of the Sanitation Department Head and shall be collected and replaced at a cost to the lessee as determined by Board order or resolution, not to exceed one time per annum.
- G. *Recycling containers.* The City or its contractor shall provide recycling containers for holding recyclable materials at specified, permanent locations throughout the City as approved by the Mayor and Board of Aldermen or in the case of the City curbside recycling program the City shall provide individual containers as determined by the City curbside program administrator or Sanitation Department Head. Only recyclable materials shall be stored in these recycling containers, until collected in accordance with this ordinance. To be eligible for pickup at such locations, recyclable materials must be placed into a designated recycling container. Newspapers shall be securely tied in a bundle and placed inside the recycling container. The curbside recycling program of the City of Starkville serves in addition to the designated, permanent recycling drop-off locations.

Section 5. Points of collection.

- A. *Residential service generally.* Except as otherwise provided, all residential solid waste including recycling materials to be collected shall be placed within five feet of the curb, paved surface of the roadway or closest accessible right-of-way, without impeding or blocking any portion of any sidewalks, or at such other location agreed to by the City or its contractor that will provide safe and efficient accessibility for the collection crew and vehicle.
- B. *Special residential service.* Where the occupant of a dwelling unit is handicapped or physically unable to deliver solid waste (including recyclables) to the curbside and there is no one else living at the dwelling unit who is physically able to deliver solid waste to the curbside, and these conditions are certified to the City by way of a written physician's determination provided to the Sanitation Department Head, an alternative location within 50 feet of the street, easily visible to the collectors, with collection limited to two containers of garbage, may be arranged at no extra cost to the resident. Such arrangement will be documented by the Sanitation Department personnel and kept on file for a period of five (5) years at which time the recertification of the need for such special service shall be required using the same method previously used for such documentation.
- C. *Commercial service.* All commercial garbage and trash must be placed in refuse containers on the property and not within the right-of-way of any alley or street. The refuse containers shall be accessible without entering a building or shelter of any type.
- D. *Multi-family residential.* In areas where multiple owners of real property are involved, such as a condominium or homeowner association, an individual or association shall be designated as the responsible party for maintenance, upkeep and payment of collection fees. These arrangements shall be coordinated with the Sanitation Department Head.
- E. *Prohibited.* The use of crates, corrals or other similar containers constructed to hold bagged trash for collection is hereby prohibited. Trash, recycling bags, or their respective containers shall not be kept at curbside prior to sunset the day before the scheduled collection day or after sunset on the scheduled collection day. Bagged garbage shall be placed at the curb only on the scheduled collection day and no earlier than 6:00 AM. Violation of this subsection shall result in a notice by the Code Enforcement Officer. Repeat violations shall result in fines and penalties as determined by the City and provided by order or resolution subject to approval by the Mayor and Board of Aldermen.
- F. *Review.* The Sanitation Department Head will review this ordinance annually and report to the Solid Waste and Recycling Committee any recommendations for consideration by the Board of Aldermen.

Section 6. Frequency of collection.

- A. Frequency of collection under this ordinance shall be as follows:
1. Domestic garbage shall be collected not less than two times per week. There shall be at least a two-day interval between collections. Exceptions will occur due to holidays and other exigent circumstances. Such exceptions shall be noticed through the use of public service ads with the local news media and on the website of the City of Starkville.
 2. Domestic waste shall be collected at least once each week as determined by the Board of Aldermen and widely promulgated by the Sanitation Department Head.
 3. Waste from commercial establishments using commercial refuse containers and plastic bags shall be collected in accordance with Section 5 of this ordinance.
 4. Commercial garbage and trash shall be collected not less than one time per week and no more than six times per week.
 5. Recycling materials shall be picked up on a regular schedule that shall be determined by the Board of Aldermen and widely promulgated by the Sanitation Department head.
- B. The collector of refuse shall have the right to divide large accumulations of trash for successive collections which shall be in conformance with the contract for collection as approved by the Board of Aldermen.

Section 7. Location and screening of solid waste containers.

- A. *Front-end-loaded refuse container location requirements.* No front-end-loaded refuse container shall be located within any required front or street side yard setback. No such container shall be located in any required parking space or vehicular use area, or in any required buffer yard or landscaping area. All refuse containers shall be plugged and shall utilize plastic lids.
1. *Service access.* Front-end-loaded refuse container sites shall be provided which allow refuse vehicle service access without manually moving the container(s) for service. Fifty (50) feet of clear backup as measured perpendicular from the screen areas shall be provided from the face of the refuse containers' screening unless otherwise approved by the Sanitation Department Head who shall find that the reduction is necessary to provide property rights enjoyed by others in the same zoning district, and will not be detrimental to public health, safety, sanitation and welfare. No encroachment into this area by parking spaces, non-driveway sidewalks, or landscape areas shall be allowed.
 2. *Siting obstructions.* No front-end-loaded refuse container shall be sited within six (6) feet of any building/structure, nor sited below obstructing wires nor obstruct any electrical service equipment, fire protection equipment, nor any roof overhangs nor sited adjacent to any other obstruction to the container dumping process. Service height clearance of 25 feet is required in the container service access area.
 3. *Container pads.* Front-end-loaded refuse container pad(s) shall be provided by the property or business owner for all front-end-loaded containers and shall be constructed, as a minimum, concrete strength of 3,000 psi after 28 days of curing, eight inches thick with 10 by 10 wire mesh, four inches thick with number 4 steel reinforcing bars on 8-inch centers in each direction, or as approved by the Sanitation Department Head who shall find that the reduction is necessary to provide property rights enjoyed by others in the same zoning district, and will not be detrimental to public health, safety, and welfare. The concrete slab should have a minimum slope of 0.5% and a maximum slope of 10.0%. A six-foot-long approach slab of identical width, thickness, and composition to the container pad shall also be constructed adjacent and of equal slope to said pad(s). Two 36-inch high bollards, constructed of 8-inch diameter steel pipe filled with steel-reinforced concrete shall be placed 36 inches on-center apart and 1-foot on-center from the rear of the enclosure.

4. *Grading and subsoil preparation.* Final grading should insure the expedient removal of surface and stormwater from the proximity of the structure. The following shall apply to subsoil preparation:
 - a. Undercuts must be free of any loose or relocated soils. Excessive wet or soft areas should be removed.
 - b. Install imported, clean sandy clay with a unified classification of SC or CL and a plasticity index of 10 to 25.
 - c. Install imported clay in two equal lifts compacted to a minimum density of 95% to achieve a minimum finished thickness of 12 inches.
 5. *Front-end-loaded refuse container screening requirements.* Front-end-loaded refuse containers shall be opaquely screened from view from public streets and adjacent properties, to a height of at least six feet, or six inches higher than the height of the container (whichever is higher). This screening may be achieved by a masonry wall, fencing, landscaping or by virtue of the location of the container on the building site. A combination of the above methods may also be utilized. Unscreened refuse containers currently located throughout the City shall be reviewed on a case-by-case basis by the Sanitation Department Head to determine appropriate screening of the container. Establishments unable to comply with this requirement shall have their situation reviewed by the Sanitation Department Head with appeal to the Board of Aldermen for the determination of the ability, utility and aesthetic impact of the compliance with the current ordinance standards.
- B. *Roll-off compactor container location requirements.*
1. *Container pads.* Property or business owners shall provide roll-off compactor container pad(s) for all roll-off compactor containers, and shall be constructed of minimum 3,000 psi concrete, steel reinforced, six inches thick, and at a minimum, shall be ten (10) feet wide by twenty (20) feet long for each container.
 2. *Service access.* A paved service vehicle access apron, constructed to a minimum load of 60,000 pounds and extending a minimum of 50 feet in front of each roll-off compactor container, is required. Service height clearance of 25 feet is required in the container service access area.
 3. *Electrical requirements.* The industry recommendations for roll-off compactor electrical requirements are: three-phase, 460 to 480 volt, 60 ampere electrical service to each compactor location. Other electrical requirements may be approved by the Sanitation Department Head in consultation with the Electric Department Head.

Section 8. Prohibited acts.

Except as provided in this ordinance, it shall be unlawful and a violation of this ordinance to do any of the following:

- A. For any contractor other than the City to collect or transport solid waste or recyclable materials for hire or remuneration of any kind without a privilege license issued by the City.
- B. For any person or contractor other than the City or its designated contractor to remove solid waste or recyclable materials from any City designated refuse bin, container, or collection location.
- C. For any person or contractor other than the City to place or cause to be placed any solid waste upon the property of another.
- D. For any person to do any act prohibited or fail to do any act required by this ordinance or by regulations adopted pursuant to this ordinance.
- E. For any person or contractor other than the City or its designated contractor to remove any recyclable material from any designated City container
- F. For any person to withhold payment as required by this ordinance or not otherwise conform to the Solid Waste Rate Resolution.
- G. For any person to dump, cause to be dumped, place or cause to be placed any refuse or rubbish of any kind along the rights of way, sidewalks and the streets of the City.

- H. For dead animals shall be placed for collection by the City or its contractor.
- I. For loose litter to be left at collection sites or to be placed in containers other than those authorized by the City for collection. No loose litter shall be collected from the residential containers authorized in Section 4.B.1. of this ordinance.
- J. For any person to sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway.
- K. For any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the City or upon private property.
- L. For any person to throw or deposit litter in any fountain, pond, lake, stream or other body of water in a park or elsewhere within the City.

Section 9. Collection regulations.

The Mayor and Board of Aldermen have provided for the collection and disposal of solid waste, regulate the manner and time of such collection and disposal, establish the rates to be charged therefore, and otherwise make such rules and regulations pertaining to solid waste as may be desirable to assure the public health and welfare.

- A. Every household, commercial establishment, or industrial establishment within the City shall containerize all solid waste for disposal. All large cardboard boxes should be collapsed and placed in a container for collection.
- B. All solid waste collected at, residential establishments that cannot feasibly be containerized, such as large tree trimmings shall be removed by the City by special arrangement with the Sanitation Department. All solid waste collected at commercial establishments that cannot feasibly be containerized shall be removed by the City only by special arrangement with the Sanitation Department.
- C. All establishments that prepare or handle food or food related products shall place the waste generated from such activities in tightly-secured plastic bags prior to disposing of the waste in a refuse container.
- D. All solid waste to be collected by the City's curbside service must be placed within five (5) feet of the traveled portion of the street and shall not block or impede travel on city sidewalks.
- E. Solid waste shall not be placed in the street, drainage ditches, gutters, or on the sidewalk.
- F. The City shall have the option of requiring solid waste containers (dumpsters) at any multi-family residential, commercial or industrial establishments within the City. The decision to place a certain type or a certain number of a certain size container shall be based upon the type and amount of solid waste generated by said establishments as determined by the Sanitation Department Head. All solid waste to be removed by the City must be placed in such a container.
- G. All containers placed by the City must be easily accessible to the collection Vehicle. Any person blocking or hindering access to the container shall be considered in violation of this provision of this ordinance and subject to fines and/or other penalties.
- H. Any container placed by the City shall not be moved or relocated except by authorization from the Sanitation Department.
- I. Solid waste to be removed by the City shall be placed for collection only in a container rented to the lessee by the City, or on property owned or controlled by the lessee. Additionally, the scavenging of solid waste from another lessee's container is prohibited and will be considered a violation of this ordinance.
- J. All solid waste, except garden trash and tree collection in plastic bags shall be placed for collection only on the day that the user placing the solid waste is scheduled for collection. Any user placing for collection any such solid waste on days that solid waste is not scheduled to be collected will be considered in violation of this ordinance.
- K. Any solid waste not placed for collection in conformance with the provisions of this ordinance will not be removed by the City.

- L. Landscape and yard maintenance solid waste placed at curbside shall be limited to twenty cubic yards of material, during one week.
- M. Wood cuttings placed at curbside may be no more than six (6) inches in diameter, and rigid materials shall be no more than seven (7) feet in length.
- N. Solid waste resulting from property clearance, not considered to be trimming, shall not be permitted to be placed on the street or the curb or the sidewalk, and the responsibility for removal is that of the property owner.
- O. Tires shall not be placed at curbside and shall not be permitted to accumulate or remain exposed on residential property. The residential property owner shall be held responsible for removal.
- P. Solid waste resulting from construction, demolition or renovation, including “do-it-yourself” projects is not household rubbish, and it is the responsibility of the property owner, contractor and/or tenant to remove the same.
- Q. Carpet and carpet padding may be placed at curbside only when bagged as garbage or legally placed in a commercial-type refuse container.
- R. All establishments are responsible for controlling offensive odors in steel containers through sanitizing and deodorizing if necessary. In addition to the enforcement provisions of this ordinance, the Sanitation Department Head reserves the right to schedule and charge for additional weekly pickups if necessary in the Sanitation Department Head’s sole determination.
- S. In parks or along streets where containers or other receptacles are not available, all litter shall be carried away by the person responsible for its presence and disposed of as provided for in this ordinance.

Section 10. Maintenance and protection of containers.

- A. Solid waste containers shall be kept closed tightly except during the collection or deposit of garbage, trash, or refuse. The contents of all containers shall be so protected that the wind cannot blow out and scatter the contents of the receptacles over the right-of-ways, roadways, streets, alleys, and premises of the City.
- B. Every solid waste container and its surrounding area shall be maintained by the user in as sanitary condition as possible. Periodic treatment with a residual insecticide by the user may be required.
- C. All solid waste holding or containing any liquid must be drained or dried before being deposited in a container.

Section 11. Transportation of solid waste.

- A. Hauling of any solid waste, including building material waste, shall be done on public roads and highways only in vehicles covered so as to prevent any spilling, dripping, blowing or other loss of materials in transit.
- B. It shall be unlawful for any person hauling any fill, rock, sand, concrete or other materials to spill these materials onto the streets of the City. Any person who shall violate the provisions of this Section shall upon conviction be punished as provided in this Code, and subsequent continued violations may be so punished from time to time in spite of previous convictions or acquittals of the original violation or charge. No conviction or acquittal shall be deemed to bar any civil remedy to enforce compliance with the regulations of this Section or to abate any nuisance arising from a violation.

Section 12. Certain wastes unsuitable for collection.

The City’s Sanitation Department shall not collect or remove, in any quantity, the following:

- A. Dead animals, animal dressings, or animal manure.
- B. Waste oils from garages.
- C. Highly flammable or explosive materials.

- D. Any solid waste that, in the opinion of the Sanitation Department Head, would damage or potentially could damage any City equipment and/or vehicle used in the collection and disposal of solid waste.
- E. Solid waste generated by contractors, including, but not limited to, lumber, plaster, sand, gravel, plumbing fixtures, roofing materials, or tree trimmings, resulting from the building, remodeling, or demolishing of any structure, or the clearing of any lot or parcel of land for development.
- F. Automobile frames and parts.
- G. Any solid waste from industrial establishments that is not containerized and properly placed.

Section 13. Unlawful accumulation and placement of solid waste.

- A. It shall be unlawful for any owner, occupant, or lessee of any building, yard, or parcel of property within the City to allow garbage, trash, or solid waste of any kind to accumulate or remain in the building or upon the yard or lot as required by this ordinance.
- B. It shall be unlawful for any person to scatter, dump, throw, drop, sweep, or place, or cause to be scattered, dumped, thrown, dropped, swept, or placed, any garbage, trash, or solid waste of any kind upon the street, alleys, sidewalks, playgrounds, parks, drainage ditches, vacant lots, or any other property, public or private, within the City, unless placed for collection in conformance with this ordinance.
- C. It shall be unlawful for any person to deposit or permit to be deposited any solid waste that maybe injurious to the health of people or harmful to the environment at any open dump or other disposal site without express permission from the Mayor and Board of Aldermen, the State Health Department and the Mississippi Department of Environmental Quality. Further:
 - 1. Permission will be given only if disposal is accomplished by sanitary landfill, approved incineration, or by other means now available, or which may later become available, as approved or established as standards by the Mississippi Department of Environmental Quality.
 - 2. No solid waste or other potentially harmful waste shall be burned except in incinerators meeting all requirements and air pollution controls as are now established or as may later be established by any local, state or federal agency. Certain wastes shall be permitted to be openly burned only with the authorization of the Mississippi Department of Environmental Quality.
- D. It shall be unlawful for a person to accumulate junk, scrap or salvage material on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved within the City of Starkville in such quantities as shall constitute a public nuisance; provided, however this section shall not apply:
 - 1. If the junk, scrap or salvage material is completely enclosed within a building in a lawful manner where it is not visible from the street or other public property, or
 - 2. Where the junk, scrap or salvage material is enclosed in an outdoor storage area that is maintained in such a manner that it does not constitute a health hazard and it is screened from ordinary public view.

Section 14. Establishment of rates and deposit.

The City shall by order or resolution, as adopted on September 18, 2007, as amended and revised, set collection rates, and may establish security deposits, for all customers served under the terms and conditions of a contractor agreement for collection of solid waste. These rates shall be reviewed periodically and shall be adjusted based on available data such as current cost paid to the contractor for services, administrative cost incurred by the City and any cost associated with compliance with state, county or federal environmental regulations. Penalties and fines for violations of this ordinance shall be established and may be included with other related enforcement orders or resolutions.

Section 15. Responsibility for payment of charges.

The owner and occupant of each residential collection unit, whether or not it is occupied, shall be responsible for payment of the fees and deposits prescribed in this ordinance and determined by order or resolution of the Board of Aldermen.

SECTION III. INVALIDATION/SEVERABILITY

The requirements and provisions of this Ordinance are separable. If any article, section paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the validity or applicability of the Ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

SECTION IV. CONFLICTS

All Ordinances, parts of Ordinances or resolutions of the Mayor and Board of Aldermen of the City of Starkville that conflict with the provisions of this Ordinance shall be, and the same are, hereby repealed.

SECTION V. EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 30th day after its adoption.

The City Clerk is directed to cause this Ordinance to be published one time in the Starkville Daily News and to obtain proof of publication thereof.

THE FOREGOING ORDINANCE was proposed in a motion by Alderman Parker, duly seconded by Alderman Carver, that the aforesaid Ordinance be adopted. The vote being as follows:

Alderman Ben Carver	Voted: <u>YEA</u>
Alderman Sandra Sistrunk	Voted: <u>YEA</u>
Alderman Eric Parker	Voted: <u>YEA</u>
Alderman Richard Corey	Voted: <u>YEA</u>
Alderman Jeremiah Dumas	Voted: <u>YEA</u>
Alderman Henry Vaughn	Voted: <u>YEA</u>
Alderman Roy A.' Perkins	Voted: <u>YEA</u>

ORDAINED AND ADOPTED this the 16th day of February, A.D., 2010, at the Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Oktibbeha County, Mississippi.

PARKER Y. WISEMAN, Mayor
City of Starkville, Mississippi

MARKEETA OUTLAW, Clerk
City of Starkville, Mississippi

(SEAL)