

ORDINANCE NUMBER 1993-03

AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE AND ESTABLISHING THE CHARGES AND FEES FOR USE OF THE SOLID WASTE COLLECTION AND DISPOSAL SYSTEM OF THE CITY OF STARKVILLE, MISSISSIPPI

Be it ordained by the Mayor and Board of Aldermen of the City of Starkville, Mississippi:

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

- A. 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.
- B. Container - A plastic refuse bag or a commercial-type refuse container furnished by the City.
- C. Disposal - The final disposition of waste by man. This does not include its ultimate dissemination by forces other than man.
- D. 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.
- E. Dump - A site, without effective control, where solid waste, is disposed of in an improper and unsanitary manner.
- F. 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, petrification, 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.)
- G. Garden Trash - Every waste accumulation of lawn grass, shrubbery, or dry leaf rakings free of dirt, rocks, large branches, and bulky noncombustible material.
- H. 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, yard toys, and anything put out to be picked up. Waste generated by tree surgeons or building material waste generated by contractors or do-it-yourself projects is not household rubbish.
- I. Litter - Solid wastes that are scattered about in a haphazard manner.
- J. Solid Waste - Garbage, trash, or any combination thereof.
- K. Trash - Garden trash, household rubbish, and tree trimmings.
- L. Tree Trimmings - Every accumulated waste of tree branches, parts of trees, bushes, or shrubs, leaf cuttings, fruits, or other matter usually creating waste in the care of trees and large bushes.

- M. User - Any person, firm, or corporation, or any residential, commercial, or industrial establishment that utilized the City's solid waste collection service, 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 II. Enforcement

- A. The City shall have the power to enter, at reasonable times, upon private or public property to investigate conditions relating to provisions to this ordinance.
- B. Any person, firm, or corporation found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00), or imprisonment not exceeding ninety (90) days, or both.

SECTION III. Collection Regulations

The Mayor and Board of Aldermen may provide 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 "broken down" and placed in a container for collection.
- B. All solid waste collected at residential establishments that cannot feasibly be containerized, such as appliances, furniture, and large tree trimmings shall not be removed by the City except by special arrangement with the Public Works Department. A separate fee will be charged for this service, in addition to the owner's monthly fee, for the collection and disposal of all such solid waste in excess of the amount capable of being disposed of by one (1) "swacar". All solid waste collected at commercial establishments that cannot feasibly be containerized shall be removed by the City only by special arrangement with the Public Works Department. A separate fee shall also be charged for this service, in addition to the owner's monthly fee, for the collection and disposal of all such solid waste.
- 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 City-furnished container.
- D. All solid waste to be collected by the City must be placed within five (5) feet of the traveled portion of the street. However, solid waste shall not be placed in the street, drainage ditches, gutters, or on the sidewalk.
- E. The City shall have the option of placing City-furnished solid waste containers at any residential, commercial or industrial establishment 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. All solid waste to be removed by the City must be placed in such a container.

- F. 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.
- G. Any container placed by the City shall not be moved or relocated except by authorization from the Public Works Department.
- H. Solid waste to be removed by the City shall be placed for collection only in a container rented to the user by the City, or on property owned or controlled by the user. Additionally, the scavenging of solid waste from another user's container is prohibited and will be considered a violation of this ordinance.
- I. All solid waste, except garden trash and tree trimmings, placed for 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.
- J. Any solid waste not placed for collection in conformance with the provisions of this ordinance will not be removed by the City.

SECTION IV. Maintenance and Protection of Containers

- A. Solid waste receptacles or containers shall be kept closed tightly except during the collection or deposit of garbage, trash, or refuse. The contents of all receptacles- shall be so protected that the wind cannot blowout and scatter the contents of the receptacles over the 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.
- C. All solid waste holding or containing any liquid must be drained or dried before being deposited in a container.

SECTION V. Transportation of Solid Waste

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 spillage or loss of materials in transit.

SECTION VI. Certain Solid Waste Unsuitable For Collection By The City

The City 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 Public Works Director, 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 VII. 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 unless placed in a container, 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 may be injurious to the health of people or harmful to the environment at any open dump or other disposal site without express permission from the Board of Aldermen and the State Department of Health.

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 health department.
- (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 Bureau of Pollution Control.

SECTION VIII. Solid Waste Charges and Fees

- A. There is hereby fixed and levied against the citizens of The City of Starkville, Mississippi, a garbage charge and fee, as follows:
1. Upon each family occupying a house, an apartment, or a mobile home as a residence within The City of Starkville, Mississippi, there is imposed a flat monthly charge of \$9.50.
 2. Upon each office within the City of Starkville, Mississippi, there is imposed a monthly charge of \$10.50.
 3. Upon each barber shop and beauty shop within the City of Starkville, Mississippi, there is imposed a flat monthly fee of \$10.50.
 4. Upon each commercial, retail, and wholesale establishment and store building, including laundries, cafes, theaters, hotels and motels, and every kind of business establishment, including industrial establishments, there is imposed a minimum monthly charge of \$15.75.
- B. There is hereby fixed and levied against those commercial and industrial establishments served by City-furnished containers a solid waste charge and fee as set forth in the following schedules:

SCHEDULE FOR FOUR (4) CUBIC YARD

Number of Containers	PICKUPS PER WEEK					
	1	2	3	4	5	6
1	\$15.75	\$31.50	\$47.25	\$63.00	\$78.75	\$94.50
2	26.25	52.50	78.75	105.00	131.25	157.50
3	36.75	73.50	110.25	147.00	183.75	220.50
4	47.25	94.50	141.75	189.00	236.25	283.50
5	57.75	115.50	173.25	231.00	288.75	346.50
6	68.25	136.50	204.75	273.00	341.25	409.50
7	78.75	157.50	236.25	315.00	393.75	472.50
8	89.25	178.50	267.75	357.00	446.25	535.50
9	99.75	199.50	299.5	399.00	498.75	598.50
10	110.25	220.50	330.75	441.00	551.25	661.50

SCHEDULE FOR SIX (6) CUBIC YARD

PICKUPS PER WEEK

Number of Containers	1	2	3	4	5	6
1	\$26.25	\$52.50	\$78.75	\$105.00	\$131.25	\$157.50
2	47.25	94.50	141.75	189.00	236.25	283.50
3	68.25	136.50	204.50	273.00	341.25	409.50
4	89.25	178.50	267.50	357.00	446.25	535.50
5	110.25	220.50	330.75	441.00	551.25	661.50

C. There is hereby fixed and levied against all commercial and industrial users of the Starkville/Oktibbeha County Sanitary Landfill, private homeowners taking their own solid waste to said Landfill being exempt, a solid waste disposal fee, per delivery, as follows:

Truck Size	User Charge
1. Up to One (1) Ton	\$14.00
2. One (1) Ton to Ten (10) Tons	28.00
3. Over Ten (10) Tons	42.00

NOTE: The sanitary landfill disposal fee is based upon the size of the vehicle bringing solid waste to the landfill as opposed to the volume of material brought for disposal.

- D. All monthly charges and fees for the collection of solid waste shall be applied to the user's monthly electric and/or water bill. All fees for any collection and disposal services other than the normal monthly charge shall be paid in full prior to receiving such service.
- E. Future changes or revisions in the rates, rate schedules, or user charges specified above may be effectuated by order or resolution of the Board of Aldermen; it shall not be necessary or required that such changes or revisions be by amendment to this ordinance.

SECTION IX. Repeal of Existing Policies

All existing policies in conflict with this ordinance shall be and they are hereby repealed as of the effective date of this ordinance.

SECTION X. Validity

Be it further ordained that the invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION XI. Effective Date

Be it further ordained that the provisions of this ordinance shall be in full force from and after November 1, 1993, the Board of Aldermen finding as fact that the public safety and health of the community requires the designation of this ordinance an emergency measure.

The above ordinance having first been reduced to writing was read and considered section by section; and, upon the motion of Alderman Mary Lee Beal, duly seconded by Alderman Wendell W. Gibson, to adopt the foregoing ordinance, the question was put to a roll call vote and the result was, section by section and as a whole, as follows:

Alderman Mary Lee Beal	Voted: Yea
Alderman Wendell W. Gibson	Voted: Yea
Alderman Marco Nicovich	Voted: Yea
Alderman Roy A. Perkins	Voted: Nay
Alderman Jim E. Raines	Voted: Nay
Alderman Robert A. Smith	Voted: Nay
Alderman Vic Zitta	Voted: Yea

The motion having received the majority affirmative vote of all of the members present, the Mayor declared the motion carried and the ordinance passed, approved, and adopted on this the 14th day of September, A.D., 1993.

THIS ORDINANCE APPEARS IN MINUTE BOOK 33 AT PAGE 45