

ORDINANCE NUMBER 2000-1

AN ORDINANCE TO AMEND SECTIONS 1, 2, 3, AND 7 OF CITY
ORDINANCE #1993-3 REGULATING THE COLLECTION
AND DISPOSAL OF SOLID WASTE

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Starkville, Mississippi that Sections 1, 2, 3, and 7 of City Ordinance #1993-3 Regulating the Collection and Disposal of Solid Waste be amended as shown with amendments in italics as follows:

SECTION 1. Definitions for purposes of this ordinance.

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 or yard toys. Waste generated by contract or agreement for financial or material consideration of one-hundred (\$100.00) dollars 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 and it shall be the responsibility of the property owner to remove the same in a timely manner.*
- I) Litter: Solid wastes that are scattered about in a haphazard manner.

- J) Solid Waste: Garbage, trash, household rubbish, “junk”, “scrap”, “salvage” or any combination thereof .
- K) Trash: Garden trash, household rubbish, and tree trimmings, or any combination thereof.
- 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.).
- N) “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.

SECTION 2: **Enforcement.**

- A) The City shall have the power to enter upon private property, at reasonable times, to investigate conditions relating to provisions of 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 *one- thousand dollars* (\$1,000.00), or imprisonment not exceeding ninety (90) days, or both.

SECTION 3. **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 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" (approximately twenty (20) cubic yards). 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.
- E. 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 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. 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 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.
- K. *Landscape and yard maintenance solid waste placed at curbside shall be limited to twenty cubic yards of material, during one week.*
- L. *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.

- M. Solid waste resulting from property clearance shall not be permitted to be placed on the street or the curb, and the responsibility for removal is that of the property owner.*
- N. Tires shall not be placed at curbside and shall not be permitted to accumulate or remain exposed on residential property.*
- O. 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 and/or tenant to remove the same.*
- P. Carpet and carpet padding may be placed at curbside only when bagged as garbage or legally placed in a garbage dumpster.*

SECTION 7. 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 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 Board of Aldermen 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 or private 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.*

Effective Date. This ordinance shall take effect immediately after passage and publication.

Publication. The Clerk is directed to cause this ordinance to be published one (1) time in the Starkville Daily News.

UPON MOTION of Alderman Marie Lee, duly seconded by Alderman Rob Roberson, the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Alderman Marie Lee	Voted: Yea
Alderman Sean Koehn	Voted: Yea
Alderman Cliff Ivy	Voted: Yea
Alderman Rob Roberson	Voted: Yea
Alderman Marco Nicovich	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Vic Zitta	Voted: Yea

ADOPTED AND APPROVED, this the 15th day of February, A.D., 2000 at the Regular Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

MACK RUTLEDGE, Mayor
City of Starkville, Mississippi

VIVIAN E. COLLIER, Clerk
City of Starkville, Mississippi

(S E A L)