

CHAPTER NINE
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§ 9-1. Garbage and Refuse – General;

(A) Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Refuse": All decomposable or nondecomposable, solid waste, including garbage, litter, rubbish, street cleanings, dead animals, animal feces, abandoned automobiles, and solid market and industrial waste.

"Rubbish": Nondecomposable, solid waste, consisting of both combustible and noncombustible wastes, such as paper, yard trimmings, tree branches, bedding, building materials, furniture, crockery, and similar material. (Ord. 1339, 5/3/82)

"Health Inspector": That person or persons designated and/or appointed by the Campbell County Health Department. (Ord. 1724, 6/19/89)

"Community Development Division": Shall mean the City's Community Development Division. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

"Private Haulers": Commercial carriers of Refuse who operate within the corporate limits of the City of Gillette. (Ord. 1724, 6/19/89)

"Residential Building or use": Any permanent housing unit including, single family, duplexes, triplexes, and four-plexes. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

"Commercial Building or use": Any non-Residential Building or use. (Ord. 3839, 9/16/2014)

"Commercial Customer": Person or party receiving solid waste service at any Commercial Building or use. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

"Residential Customer": Person or party receiving a service of the City of Gillette Solid Waste Division at a Residential building or use. (Ord. 1999, 7/3/95; Ord. 3839, 9/16/2014)

"Solid Waste Enterprise Fund": A separate and distinct self-supporting portion of the City of Gillette Budget not part of the General Fund of the City. (Ord. 1724, 6/19/89)

"Solid Waste or Solid Waste Division": A separate division of the Public Works Department charged with the administration and execution of this Chapter of the Code for the collection and disposal of refuse, litter, garbage, trash, and any other form of "Solid Waste". (Ord. 1724, 6/19/89; Ord. 3430, 6-19-2006)

"Customer Service Division": A Division of the City Finance Department. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

"Primary Commercial Customer": The initial Commercial Customer requesting service from the City of Gillette Solid Waste Division at a particular location. (Ord. 1724, 6/19/89)

"Yard Waste": shall mean leaves, grass or plant cuttings, twigs, brush, branches or tree limbs. This term does not include construction related lumber, stumps, rocks, sod, gravel, dirt and sand. In addition, branches and tree limbs larger than two (2) inches in diameter and thirty-six (36) inches in length are not included. It is unlawful to rake leaves and other yard waste into any paved street or right-of-way. (Ord. 3671, 4-6-2010)

(B) Authority and Responsibility of City.

(1) Residential Collection. For the protection of health and safety, the City shall and is hereby authorized to have the authority and

responsibility for the collection and disposal of Refuse and Rubbish as defined in this chapter except as otherwise provided in § 9-1-(K). Commercial Customers shall contract for solid waste service with the City of Gillette or with Private haulers. The City of Gillette Solid Waste Division shall determine the kind of container that shall be used to provide service to their Residential or Commercial customers. The City of Gillette Solid Waste Division may increase the number of containers or the frequency of service to meet increased production of refuse in customer containers and charge accordingly. If a commercial customer fails to pay for increased levels of City of Gillette supplied service, then the City may, in addition to other remedies for nonpayment, discontinue service and direct the commercial customer to contract with a private hauler. (Ord. 1339, 5/3/82; Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

(2) Promulgation of Rules and Procedures. The Public Works Director shall be empowered to prescribe such Rules and Procedures as he may deem proper, not inconsistent with this chapter, nor Federal or State rules and regulations, to govern the manner and time for the collection, removal and disposition of all Refuse. These rules and procedures shall be in writing and copies maintained in the City Clerk's Office and at the Solid Waste Division. (Ord.1020, 8/6/79;Ord.1724, 6/19/89; Ord. 3430, 6-19-2006; Ord. 3839, 9/16/2014)

(3) Capital Improvement Fund. The Solid Waste Enterprise Fund will make an annual contribution, as required, to the City's Vehicle Replacement Fund for vehicle replacement. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

(C) Private Haulers Rules and Regulations

(1) Private haulers may contract for the collection of Refuse from any Commercial Customer in the City. (Ord. 3839, 9/16/2014)

(2) No private hauler may pick up Refuse before 4:00 A.M. or after 7:00 P.M. on any day. (Ord. 3839, 9/16/2014)

(3) All vehicles used for the transportation of Refuse shall be fully enclosed or completely covered in such a manner as to prevent the spilling, blowing or leaking of any Refuse collected and any such vehicle shall meet all City, State and Federal Standards applicable thereto and required for the use of the highway. (Ord. 3839, 9/16/2014)

(4) Private haulers shall prevent the unsightly or unsanitary build-up of Refuse, as a result of their collection activities, at all locations which they service. The utility customer serviced by private haulers shall not allow the unsightly or unsanitary build-up of Refuse around the Refuse container. (Ord. 3839, 9/16/2014)

(5) No person shall engage in the business of collecting, hauling or transporting Refuse without first obtaining a license to do so from the City Clerk. The fee for such a license shall be \$250.00 per calendar year or any part thereof. All licensees shall conform to all applicable City Ordinances and upon failure to do so, after 30 days written notice of the violation without correction of the violation, may be subject to the fines and provisions of §9-10 and upon repeated willful violations of said ordinances, licensee shall be subject to revocation after notice and hearing by the City Council. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

§ 9-2 Solid Waste Service

(A) Container Responsibility.

The City of Gillette shall provide containers for deposit and collection of Refuse. Roll-out containers shall be provided in areas designated for curb side service. In other areas, larger containers shall be placed upon public ways and locations designated by the City. The containers are and shall remain the property of the City.

Damage to containers due to normal usage will be repaired by the City at no cost to the container user. Any damage to a container caused by negligence or abuse shall be repaired, or container replaced by the City and the person the container is assigned to will be billed for time and material, or actual replacement cost, whichever is less. The replacement cost for

missing containers shall be billed to and paid by the person assigned to the container.

Collection areas shall be kept in a clean and neat condition by the person billed for the Refuse container.

All refuse shall be securely bagged before placement in any City owned refuse container. (Ord. 1499, 11-7-83; Ord. 1724, 6/19/8 ; Ord. 1999, 7/3/95; Ord. 3839, 9/16/2014)

(B) All Refuse to be placed in Container.

Only refuse placed into City provided containers will be collected as part of the normal collection route. Items too large for containers, or in excess of 60 pounds or greater than six feet in length will not be collected. (Ord. 1724, 6/19/89 ; Ord. 1999, 7/3/95; Ord. 3839, 9/16/2014)

(C) Heavy Appliances, Automobile Parts, Etc..

Heavy appliances, automobile parts and other waste materials which are either in excess of sixty pounds or are longer than six feet will not be removed by the City of Gillette and may not be placed in City of Gillette dumpsters, or yard waste or refuse roll-outs. (Ord. 1387, 8/30/82; Ord. 3671, 4-6-2010; Ord. 3839, 9/16/2014)

(D) Responsibility of Business for Cleanliness of Sidewalks.

All business establishments shall be responsible for keeping the sidewalk and other public ways surrounding such property free of any Refuse except that which is properly deposited in an approved receptacle. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

(E) Failure of Container Placement.

In curb side service areas, the customer shall cause the roll-out container to be placed at the designated curb side location on the days

scheduled for collection. If the container is not placed to allow for collection by the City's mechanized process, the City shall be deemed to have provided service whether or not the container is emptied. Requests to return and empty any such containers shall be considered a special collection with an added fee of as provided in § 9-4-(A)-(2) per trip to be billed to the customer on the regular monthly billing. (Ord. 1499, 11-7-83 ; Ord. 1999, 7/3/95; Ord. 3839, 9/16/2014)

(F) Accessibility and Placement Times.

No person shall park any motor vehicle or trailer so as to prevent access by City garbage collection vehicles to empty containers at curb sides and in alley locations designated for that purpose. Roll-out containers shall be placed at the curb by 7:00 A.M. of the day of collection and shall be removed by 6:00 P.M. of the same day, or when emptied, whichever is later. (Ord. 1499, 11-7-83; Ord. 3839, 9/16/2014)

(G) Conditions of Transportation of Refuse.

It shall be unlawful for any person or refuse hauler to allow any Refuse and waste material to spill, drop, fall, or remain on the ground or any other place. Refuse conveyed to the sanitary landfill, or elsewhere, must be tied, covered, and secured in such a manner that it cannot be strewn upon the streets or ground. (Ord. No. 1469, 7/18/83) (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014) (Ord. No. 3944, 3/6/2018)

§ 9-3 Yard Waste

(A). City Supplied Roll-Outs.

Yard waste shall be placed in city supplied roll-outs and set out at the curb on their designated trash day, transported to the Campbell County landfill, or transported to a city designated drop-off site. Yard waste may not be bagged before placement in city supplied roll-outs and no other waste or refuse including plastic bags, may be placed in yard waste roll-outs.

(B). Roll-Out Placement and Weight.

Yard waste placed in the city supplied roll-out shall not cause the roll-out to weigh more than three hundred (300) pounds and contents shall not hinder the lid from closing completely. Such container will be considered in violation and will not be emptied by the city's solid waste division. Yard waste containers shall be placed at the curb by 7:00 A.M. of the day of collection and shall be removed by 6:00 P.M. of the same day, or when emptied, whichever is later. Damage to containers due to normal usage will be repaired by the City at no cost to the container user. Any damage to a container caused by negligence or abuse shall be repaired, or container replaced by the City and the person the container is assigned to will be billed for time and material, or actual replacement cost, whichever is less. The replacement cost for missing containers shall be billed to and paid by the person assigned to the container. (Ord. 3839, 9/16/2014)

(C). Yard Waste Restrictions.

Vegetative materials consisting of branches and tree limbs larger than two (2) inches in diameter and/or thirty-six (36) inches in length, and stumps shall be transported to the Campbell County landfill or city designated drop-off site and shall not be placed in Yard Waste, or refuse roll-outs, nor in dumpsters. (Ord. 1387, 8/30/82) (Ord. 1724, 6/19/89; Ord. 3671, 4-6-2010; Ord. 3839, 9/16/2014)

§ 9-4 Recycling

The City of Gillette provides curbside collection service of recyclable items to residential customers. A list of accepted items can be found on the City's web site or by contacting the Customer Service Division. Customers shall place recyclable items in either blue or clear bags and set the bag(s) at the curb by 7 a.m. on the same day as their trash collection day. Bags should be 3 feet from the nearest trash roll-out. Recyclable materials can be comingled (mixed together) in the bags. (Ord. 3839, 9/16/2014)

§ 9-5 Fees and Charges

Solid Waste and Yard Waste collection fees shall be paid monthly to the City as billed according to the billing procedure for City Utility services. (Ord. 3839, 9/16/2014)

(A) Solid Waste

(1) The residential rate for Refuse pickup at the frequency of one pickup per week shall be \$17.20 per month for bills dated before May 1, 2013. For bills dated after May 1, 2013 the residential rate for Refuse pickup at the frequency of one pickup per week shall be \$17.65 per month. (Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

(2) The rate for extra collection of a rollout container shall be \$17.20 per pickup for bills dated before May 1, 2013. For bills dated after May 1, 2013, the rate for extra collection of a rollout container shall be \$17.65 per month. (Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

(3) Additional rollout containers may be obtained from the Solid Waste Division for a rental fee of \$17.20 per month for bills dated before May 1, 2013. For bills dated after May 1, 2013, the rate for additional rollout containers shall be \$17.65 per month. (Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

(4) Individual Residential Customers who reside in multi-family units or any other type of Residential housing unit, where 3 yard Refuse containers are required to be used by the City, shall be charged \$17.20 per month for bills dated before May 1, 2013. For bills dated after May 1, 2013, the rate for Individual Residential Customers who reside in multi-family units or any other type of Residential housing unit, where 3 yard Refuse containers are required to be used by the City shall be \$17.65 per month. (Ord. 3671, 4-6-2010; Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

(5) In cases where the City requires a Commercial Customer to share a container with one or more Residential Customers, the Commercial Customer shall receive a credit of \$6.25 per month for bills dated before May 1, 2013 and \$6.40 for bills dated after May 1, 2013, for each Residential Customer that shares the container. Each Residential Customer sharing the container shall be charged \$17.20 per month for bills dated before May 1, 2013. For bills dated after May 1, 2013, Residential Customer sharing the container shall be charged \$17.65 per month. (Ord. 3671, 4-6-2010; Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

(6) In the event a Commercial Customer utilizes a City provided container, the rates will be as follows, determined by the number of pickups per week and the size of the container. For bills dated before May 1, 2013, the rate shall be determined as follows:

NUMBER OF CONTAINERS

Pickups	1	2	3	4	5	6
2/mo	\$35.80	\$61.00	\$86.23	\$111.45	\$136.68	\$161.90
1/wk	\$71.55	\$122.00	\$172.45	\$222.90	\$273.35	\$323.80
2/wk	\$143.10	\$244.00	\$344.90	\$445.80	\$546.70	\$647.60
3/wk	\$214.65	\$366.00	\$517.35	\$668.70	\$820.05	\$971.40
4/wk	\$286.20	\$488.00	\$689.80	\$891.60	\$1,093.40	\$1,295.20
5/wk	\$357.75	\$610.00	\$862.25	\$1,114.50	\$1,366.75	\$1,619.00

The rate for additional containers shall be computed by using the following formula:

$$\text{Charge} = \$9.113 \times (P \times (2 + C)) + \$6.636 \times (6 \times P \times C)$$

Where: P is equal to the number of pickups per week and C is equal to the number of containers at the location. (Ord. 1906, 10-18-93; Ord. 1948, 7-18-94 ; Ord. 1999, 7/3/95; Ord. 3181, 10-1-2001; Ord. 3430, 6-19-2006; Ord. 3671, 4-6-2010; Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

For bills dated after May1, 2013, the rate shall be determined as follows:

NUMBER OF CONTAINERS

Pickups	1	2	3	4	5	6
2/mo	\$38.20	\$76.40	\$114.60	\$152.80	\$191.05	\$229.25
1/wk	\$76.40	\$133.70	\$191.05	\$248.35	\$305.65	\$362.95
2/wk	\$152.80	\$267.45	\$382.05	\$496.70	\$611.30	\$725.90
3/wk	\$229.25	\$401.15	\$544.45	\$745.00	\$916.95	\$1,088.90
4/wk	\$305.65	\$534.90	\$764.10	\$993.35	\$1,222.60	\$1,451.85
5/wk	\$382.05	\$668.60	\$907.40	\$1,241.70	\$1,528.25	\$1,814.80

The rate for additional containers shall be computed by using the following formula:

$$\text{Charge} = \$9.55 \times (P \times (2 + C)) + \$7.96 \times (6 \times P \times C)$$

Where: P is equal to the number of pickups per week and C is equal to the number of containers at the location. (Ord. 1906, 10-18-93; Ord. 1948, 7-18-94 ; Ord. 1999, 7/3/95; Ord. 3181, 10-1-2001; Ord. 3430, 6-19-2006; Ord. 3671, 4-6-2010; Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

(B) Yard Waste

(1) The residential rate for Yard Waste Curbside collection at the frequency of one pickup per week shall be \$9.00 per month for bills dated before May 1, 2013, and \$ 9.60 per month for bills dated after May 1, 2013, for the eight (8) month growing season (April through November). The Yard Waste Curbside program and the rates established for service shall be reviewed at the end of the fall season and a report will be prepared and submitted to Council with recommendations. (Ord. 3671, 4-6-2010; Ord. 3716, 3-21-2011; Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

(2) Requests honored by the City for extra collection of a Yard Waste roll-out container shall be \$9.00 per month for bills dated before May

1, 2013, and \$9.60 per month for bills dated after May 1, 2013, per pickup. (Ord. 3671, 4-6-2010; Ord. 3716, 3-21-2011; Ord. 3788, 4-1-2013; Ord. 3839, 9/16/2014)

§ 9-6. Payment required.

A Fee or Fees as set forth in other subsections of Section 9, shall be paid to the City for every place of abode and every place of business within the City, for the removal and disposal of Refuse, according to the provisions of this chapter, except in the case of locations receiving solid waste service from Private Haulers. Such fees shall be determined by the City Council as necessary, and commensurate with the services rendered, computed on basis of expense, depreciation and reasonable charge for readiness to serve. All bills for the rates and charges of all Solid Waste, Yard Waste and Recycling services furnished by the City shall be administered according to the terms of section 17-7 of the Gillette City Code, so that all collection and delinquency procedures shall be uniformly applied for all City furnished utility services. (Ord. 409, 7-5-55; Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

§ 9-7. How accounts carried; persons responsible; when and where paid; delinquency.

All accounts required to be paid under this article shall be carried in the names of the respective property owners and the owner, agent, tenant, purchasers and lessee of each such place of abode or place of business shall each be jointly and severally liable for the payment of all fees under this article. Such fees shall be payable by those chargeable therewith monthly at the City's Customer Service Division or at such other office in the City and shall be due and payable immediately. Non-payment or delinquency shall constitute a violation of the provisions of this article. Collection of the charges fixed under this article when delinquent may be enforced by civil action at law brought by the City in any court of competent jurisdiction. This remedy is cumulative and not exclusive and shall be in addition to all penalties provided for violation of any of the provisions hereof. (Ord. No. 409, 7-5-55; Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

§ 9-8. Excess Amounts of "Litter, or Refuse .

Whenever necessary for protection of the health and welfare of the City's residents, the City may require any Commercial or Residential Customer to increase the capacity of a container, or frequency of collection as needed for adequate refuse removal after written notification. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

§ 9-. Notice and Evidence of Violation.

Any person violating any provisions of this article shall be so informed in writing by the Public Works Director or his designee. The written notice shall fix a time for compliance therewith which shall, in no event, be less than five days from the day of service of the notice. Upon a third violation, that is not corrected, the particular service can be discontinued upon additional written notice at the end of the five day period.

The fact that Refuse remains on any owner's or occupant's premises in the City in violation of this article shall be prima facie evidence that the owner or occupant of such premises is responsible for the violation.

Failure to comply with the written notice described above or with any section shall be deemed a misdemeanor. For any violation of this ordinance there shall be a minimum fine of \$15.00, up to a fine of \$750, as prescribed under Section 16-1 of the Gillette City Code.

The Public Works Director or his designee may, at his discretion, after a notice is served upon the alleged violator as set forth in this chapter, go upon such lot, parcel of land, alleyway or sidewalk area in front thereof and remove such accumulated Refuse therefrom. The expense of the removal shall be charged to the person violating this chapter. (Ord. 1020, 8/6/79) (Ord. 1724, 6/19/89; Ord. 3430, 6-19-2006; Ord. 3671, 4-6-2010) Repealed (Ord. 409, 7-5-55; Ord. 592, 9-23-69.; Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

§ 9-10. Regulations for Specified types of Refuse and Waste

(A) Unrestricted Disposal or Accumulation Deemed Nuisance; Sweeping Into Streets, Vacant Lots, etc. (Ord. 3839, 9/16/2014)

It shall be unlawful to sweep or otherwise dispose of any Refuse or Rubbish on any street, gutter, alley, vacant lot, lake or other property except as herein provided. (Ord. 1339, 5/3/82; Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

(B) Vending Decayed Garbage or Food.

No person shall vend or attempt to vend or dispose of any garbage or other article of food that may be decayed or partially rotten or that may have been taken from any garbage container except for animal waste products intended for rendering. (Ord. 3839, 9/16/2014)

(C) Removal of Rendered Animal Waste Products.

The removal of rendered animal waste products shall be totally the responsibility of the person or company providing the service and such materials shall be kept in closed sanitary containers approved by the Health Inspector. Frequency of removal shall be at the discretion of the Health Inspector. (Ord. 3839, 9/16/2014)

(D) Disposition of waste from factory, etc.

All refuse, other than that provided for in this article, which may be classified as regular accumulation of waste resulting from any factory, warehouse, trade or other industry shall be removed by those responsible therefore. (Ord. 409, 7-5-55; Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

(E) Disposition of refuse from billboards.

Refuse from billboards shall be removed by the bill poster responsible for such refuse. (Ord. 409, 7-5-55; Ord. 3839, 9/16/2014)

(F). Removal of refuse by Christmas tree vendors.

Christmas tree vendors shall remove refuse resulting from the same. (Ord. 409, 7-5-55; Ord. 3839, 9/16/2014)

(G). Disposition of silt from automobile wash racks.

Silt and similar deposits from automobile wash racks shall be removed by the establishments creating such deposits. (Ord. 409, 7-5-55; Ord. 3839, 9/16/2014)

(H). Disposition of manure.

Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, and which shall be removed or plowed under within a reasonable time, manure shall not be allowed to accumulate for periods longer than one week in any stable, barn, corral, hutch, pen or upon any premises within the City but shall be removed not less than once each week by the owner or person in charge of the premises involved and shall be removed more often if necessary. (Ord. 409, 7-5-55; Ord. 3839, 9/16/2014)

(I) Removal of explosive or flammable Refuse.

Any accumulation of explosive, flammable or hazardous material which may endanger life or property shall be removed to such a place and in such a way that may be approved by law for that purpose. Such removal shall be handled by the party or parties responsible for the accumulation. (Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

(J) Permitting unnecessary accumulations of Refuse.

It shall be unlawful for the owner or person responsible for any type of waste referred to in this article to permit an unnecessary accumulation thereof. (Ord. 409, 7-5-55; Ord. 1724, 6/19/89; Ord. 3839, 9/16/2014)

(K) Disposal of Grease and Oil.

Disposal of cooking grease and oil, or used automobile oil, or fluids shall be stored in a covered container designed for the storage of such material, until such time as said material can be removed. Removal of such material shall be done by the Party or Parties generating such Refuse, and the material shall be disposed of in a manner consistent with all applicable local, state, and federal regulations.

(Ord. 1724, 6/19/89 ; Ord. 1999, 7/3/95; Ord. 3839, 9/16/2014)