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PREPARED BY

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CITY ATTORNEYS OFFICE

AN ORDINANCE TO AMEND CHAPTER 17, GARBAGE AND TRASH, AND APPENDIX A, FEE SCHEDULE OF THE CODE OF THE CITY OF ROCK HILL CONCERNING SOLID WASTE

BE IT ORDAINED by the Governing Body of the City of Rock Hill in Council assembled:

SECTION 1. That this ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30 and Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City Council by a majority vote and applicable public hearing requirements.

SECTION 3. That the title for Chapter 17 should be changed from **GARBAGE AND TRASH to SOLID WASTE.**

SECTION 4. That the Proposed Amendment to **Chapter 17, SOLID WASTE, ARTICLE I. IN GENERAL, Sections 17-0 through 17-30 and ARTICLE III. COLLECTION, Sections 17-61 through 17-100,** be and the same are hereby amended by deleting the current language and inserting in lieu thereof the following:

See Exhibit A attached hereto.

SECTION 5. That **APPENDIX A, FEE SCHEDULE, Chapter 17. Garbage and Trash,** of the Code of the City of Rock Hill, be and the same is

hereby amended by adding **Sec. 17.65. Service Fee Charge**, as follows:

§ 17-65. Service fee.

Minimum service fee if applicable . . . . . \$50.00

SECTION 6. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. That this Ordinance shall be and become finally binding after receiving first and second readings given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
A. Douglas Echols, Jr., Mayor

\_\_\_\_\_  
Kevin H. Sutton, Mayor Pro Tempore

\_\_\_\_\_  
John P. Gettys, Jr., Councilmember

\_\_\_\_\_  
Susie B. Hinton, Councilmember

\_\_\_\_\_  
Kathy S. Pender, Councilmember

\_\_\_\_\_  
James C. Reno, Jr., Councilmember

\_\_\_\_\_  
Osbey Roddey, Councilmember

ATTEST:

\_\_\_\_\_  
David B. Vehaun  
Municipal Clerk

## ARTICLE I. IN GENERAL

### **Sec. 17-0. Findings.**

Improper disposal of solid waste, accumulation of litter and debris on property constitute a hazard to the health and welfare of the citizens of the city and may also degrade community appearance, lower property values and undermine the economic health of the city. It is therefore in the public interest that such accumulations and conditions be eliminated and that future occurrences be prevented.

(Ord. No. 2004-37, § 3(Exh.A), 6-28-2004)

### **Sec. 17-1. Definitions.**

For the purpose of this chapter, any definitions contained herein shall apply unless specifically stated. In addition to the definitions contained in this chapter, the articles of this chapter adopt by reference the definition of terms (to the extent they are not inconsistent with definitions specifically contained herein) defined in the South Carolina Solid Waste Policy and Management Act of 1991, South Carolina Code Section 44-96-10, et seq. and in any regulations promulgated pursuant thereto. Any term not specifically defined will be construed pursuant to its plain and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word "shall" is always mandatory and not merely discretionary. The definitions and terms set forth below do not have to be capitalized in order to be assigned the meanings as below described.

Apartment means any apartment building, apartment complex, rooming house or any other such housing so determined by the city public works director.

Bulk container means a container of not less than 1 1/2 cubic yards and not more than ten (10) cubic yards in capacity, of tight construction, with doors opening on the top, and on the sides of the larger container, which is so constructed as to be emptied by a self-loading truck, which shall be placed at a location easily accessible to the truck which will service the container.

Construction and demolition debris means discarded solid wastes resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. The wastes include, but are not limited to, bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps, but do not include solid waste from agricultural or silvicultural operations.

Contractor means one who contracts to perform work or services or provide space for rent and receives something of value therefore.

Commercial establishment: Any public or private hotel, hospital, clinic, church, school, office, restaurant, warehouse, or club or semi-public establishment of any nature and any business including wholesale or retail business so determined by the city public works director.

Commercial solid waste means garbage and refuse generated by commercial establishments.

Derelict vehicle means a vehicle (including boats or trailers) required to be registered in South Carolina that cannot legally operate on a public highway in South Carolina because: (a) the certificate of registration has expired; (b) the license plate has expired or been removed; (c) motor or other major parts have been removed thereby making the vehicle inoperable or illegal to operate; or (d) is otherwise prohibited from legal operation on a public highway by South Carolina law.

Disposal: The discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Environmental inspector means any police officer, inspection officer, litter control officer or other city employee as may be designated an environmental inspector by the city manager.

E-waste means waste consisting of any broken or unwanted electrical or electronic device but does not include white goods as defined herein. E-waste includes televisions, computers, copiers, printers, cell phones, cordless phones and other electronic items as determined at the sole discretion of the city public works director.

Furniture means any discarded wood, metal or upholstered furniture, mattresses, box springs or similar items.

Garbage means; all accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive smells or odors, or which during and after decay may serve as breeding or feeding material for flies and/or germ-carrying insects or vermin; bottles, cans or food containers which due to their ability to retain water can serve as a breeding place for mosquitoes and other water-breeding insects originating from houses, kitchens, restaurants, hotels, hospitals, etc. Garbage does not include moisture that may legally be drained into the sewer.

Hazardous waste has the meaning provided in Section 44-56-20 of the South Carolina Hazardous Waste Management Act, or as that term is properly defined by any other applicable law.

Household means a house, duplex, or condominium, apartment or any other dwelling unit determined by the city public works director to be a place of residence.

Householder means one who occupies a household structure.

Industrial establishment means any industrial or manufacturing facility including but not limited to, factories and treatment plants where products are created or processes take place.

Industrial waste Any and all solid waste generated from industrial processes including, but not limited to, factories and treatment plants.

Junk means items such as but not limited to dilapidated furniture, major appliances/metal, machinery, equipment or other items which are in a wholly or partially rusted, wrecked, dismantled or inoperative condition.

Junked vehicle means any vehicle, including boats and trailers, whose major parts have been removed, which is inoperable, wrecked or in a state of disrepair, or which is deemed a nuisance or health hazard by the city manager.

Land-clearing debris means solid waste which is generated solely from land-clearing activities, but does not include solid waste from agricultural or silvicultural operations. It includes organic waste such as trees, limbs, brush, and stumps mingled with small amounts of dirt that is produced as a result of clearing and grubbing operations.

Litter means any and all solid waste including, but not limited to, debris, disposable packages or containers, cigarette butts, garbage, ashes, paper, junk, building materials, glass or plastic bottles, glass, cans or any other discarded or abandoned material. Any material or product that escapes control of the person operating a vehicle and is henceforth abandoned shall be considered litter. Litter is typically considered to be relatively small quantities of solid waste.

Mobile container means a wheeled household garbage and refuse receptacle; e.g. a rollcart, compatible with city solid waste collection equipment, and approved for use by the city public works director.

Notice means the written form used to advise the person of a violation of Chapter 17 (Solid Waste Management). The notice shall include the property address of the violation, the alleged violation, the date the violation was

discovered and the date by which any corrective action must be taken to prevent a criminal summons from being issued to enforce any fines and penalties set forth in this chapter.

Person: An individual, tenant, landlord, owner, partnership, co-partnership, cooperative, association, firm, company, public or private corporation, political subdivision, agency of the State, agency of the Federal government, trust, estate, joint structure company or any other legal entity or its legal representative, agent or assigns.

Property means any real property, including a household, commercial establishment, or industrial establishment, served by the city under this chapter.

Recyclable material means any and all materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. The term "recyclable material" does not include garbage, or hazardous waste/materials.

Refuse means wastes consisting of but not limited to equipment, yard toys, furniture, packaging items, shipping containers, cold ashes, cans, dirty rags, sweepings, paper materials, shavings, bottles and other similar wastes determined to be potentially deleterious to good health, public sanitation and/or public safety by the city public works director. Refuse does not include garbage. As used in this Chapter refuse and rubbish shall be synonymous.

Roll-off container means a container of not less than ten cubic yards and not more than 40 cubic yards, which is used for collecting, storing and transporting solid waste. Such container is picked up by a specially equipped truck for transporting such materials.

Service is the delivery of a notice or summons to a person. Service is effective upon (a) personally delivering a copy of the notice or summons with the person to be charged or leaving a copy thereof with some person of suitable age and discretion at the property; or (b) three days after mailing the notice or summons via certified mail, return receipt requested, to the last known address of the person to be charged and posting the applicable notice or summons at a conspicuous place at the locale of the violation.

Solid waste means garbage, refuse, debris, commercial waste, industrial waste, yard waste, white goods, cold ashes, rubbish, paper, junk, building materials, glass or plastic bottles, other glass, cans and any other discarded or abandoned material, including solid, liquid, semisolid or contained gaseous material. For purposes of this Chapter, "regulated" hazardous waste shall not be included in the definition of solid waste.

Tree debris shall include tree limbs and tree trimmings when such debris is can be collected by city vehicles with specialized pickup equipment. Tree debris but does not include stumps. All other such debris is defined herein as land-clearing debris.

Weeds mean plants that are unwanted, useless or troublesome, that are injurious to people or to cultivated plants, or that are profusely growing and undesirable.

White goods includes, but is not limited to, refrigerators, ranges, water heaters, freezers, dishwashers, trash compactors, washers, dryers, air conditioners, and commercial large appliances. E-waste as defined herein is not included in white goods.

Yard waste means any and all accumulations of grass, leaves, pine straw, small trees and branches, shrubs, vines and other similar items generated by the typical maintenance of lawns, shrubs, gardens and trees from a household. Yard waste shall not be commingled with garbage.

(Code 1981, § 14-1; Ord. No. 2002-37, § 2, 6-24-2002; Ord. No. 2003-82, § 2(Exh. A), 12-8-2003; Ord. No. 2004-37, § 3(Exh.A), 6-28-2004; Ord. No. 2004-48, § 2(Exh. A), 9-27-2004)

**Cross references:** Definitions generally, § 1-2.

**Sec. 17-2. Penalty; restitution for costs of abatement.**

Violation of any section of this chapter shall be punishable as provided herein and section 1-11. In addition to any fine for each offense under the provisions of this chapter, the court may also order restitution for the costs incurred by the city in abating violating conditions. The court, in addition to or in lieu of any monetary fine, may impose litter-gathering labor or such other public services as the court may deem appropriate, under supervision of the court. Substitution of labor for the fine may not exceed one hour for each \$5.00 of fine imposed.

(Code 1981, § 14-9; Ord. No. 2004-37, § 3(Exh.A), 6-28-2004; Ord. No. 2004-48, § 2(Exh. A), 9-27-2004)

**Sec. 17-3. Delegation of authority by city manager and public works director.**

Whenever in this chapter the city manager or the public works director is vested with discretion to act in certain matters under guidelines established for the proper exercise of such discretion, either may, at his election, act through a designee observing the same guidelines which would be applicable to the city manager or public works director.

(Code 1981, § 14-2)

**Sec. 17-4. Environmental inspectors.**

The city manager shall empower specified employees of the city to be environmental inspectors and to enforce the provisions of this chapter. Environmental inspectors shall inspect alleged violations, issue warning notices of violations setting forth corrective measures required, perform re-inspections to determine compliance, order abatement measures, initiate police or court action, testify if indicated, and perform other such duties as shall be required for the enforcement of the provisions of this chapter.

(Code 1981, § 14-3)

**Sec. 17-5. Determination of violations.**

An environmental inspector of the city shall have the responsibility of making a systematic street-by-street inspection of the city to determine compliance with this chapter. An environmental inspector shall promptly inspect and make required determinations whenever a complaint is made by a citizen.

(Code 1981, § 14-4)

**Sec. 17-6. Right of entry of enforcement officers.**

The environmental inspectors of the city are hereby expressly authorized to go upon private or public property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder or refuse to allow any properly identified city official to enter upon private or public property for the purpose of enforcing the provisions of this chapter.

(Code 1981, § 14-5)

**Sec. 17-7. Responsibility for violations.**

Any owner or person responsible for any property may be held criminally responsible for committing any violation of any provision of this chapter or for allowing any condition in violation of this chapter to continue after having been served with notice of the violation and not correcting the violation by the date provided for in the notice. Whenever property is occupied by a tenant or occupant other than the owner, then, in addition to the owner, the tenant or occupant of that property may also be held criminally responsible for committing any violation of any provision of this chapter or for allowing any condition in violation of this chapter to continue after having been served with notice of the violation and not correcting the violation by the date provided for in the notice. Both the owner and tenant or occupant shall be jointly and severally liable for all penalties as provided for in this chapter along with section 17-2 and section 1-11 of the Rock Hill City Code.

(Code 1981, § 14-6; Ord. No. 2004-37, § 3(Exh.A), 6-28-2004; Ord. No. 2004-48, § 2(Exh. A), 9-27-2004)

**Sec. 17-8. Violations generally; enforcement procedures.**

(a) *Violations generally.* It shall be unlawful for any person, whether owner, occupant or tenant, to violate a requirement, rule or provision of this chapter.

(b) *Enforcement procedure; abatement by city.*

(1) Whenever an environmental inspector shall determine that a condition prohibited by this chapter or other violation exists, the inspector shall serve a notice of code violation to the property owner, and if the property is occupied by someone other than the owner, the inspector shall also serve a notice of code violation to the occupant or tenant.

(2) If the addressee of such written notice fails or neglects to cause correction of the prohibited conditions or other violations within the period of time specified in such notice, then each day of failure to comply thereafter shall constitute a separate offense and the violator shall be subject to appearance in city court by warrant or summons and subject to general penalties as described in section 17-2. Representatives of the city may enter upon any such lands and abate such condition by appropriate action. The owner of such property shall be billed the actual cost of such action, plus the 50 percent administrative surcharge. If such billing shall remain unpaid for 30 days after mailing the bill to the owner, then such cost shall constitute a lien against such property, collectible in the same manner as taxes assessed upon such property.

(3) All notice penalty forms shall be in triplicate and shall be serially numbered, and the records with respect to the notice forms and the disposition of forms shall be maintained by the environmental inspector.

(4) The notice penalty shall contain the procedure to follow if the alleged violator elects to appeal through administrative review as provided in section 17-9.

(Code 1981, § 14-7; Ord. No. 2004-37, § 3(Exh.A), 6-28-2004; Ord. No. 2004-48, § 2(Exh. A), 9-27-2004)

**Sec. 17-9. Administrative review of determination of noncompliance.**

(a) If the addressee disagrees with the determination of noncompliance with the provisions of this chapter, he may, within five days of receipt of written notice, provide the assistant city manager a written description of the particulars of disagreement and issues requiring review. A three-member review panel shall consider such particulars. The panel shall be composed of three of the following: an assistant city manager and/or one or more representatives from the property maintenance department and/or one or more representatives of the public works department, with one citizen not employed by the city. The city council shall appoint two citizens, one principal member and one alternate, each for a two-year term, to serve on the panel. The review panel shall not include persons involved in issuance of the notice of violation.

(b) The scope of review of the panel shall be limited to a review of facts bearing on whether the property is or is not in compliance with this chapter, and the panel shall not have the discretionary authority to waive or relax the standards set forth in this chapter. Within ten days after receipt of the application for review, the panel shall cause to be served on the addressee a report of findings of compliance or noncompliance. In the event of a finding of noncompliance by the review panel, the report shall specify a number of days, not less than three, from receipt of the report within which the prohibited condition must be brought into compliance. Failure to bring such condition into compliance in the specified time shall result in abatement action by the city as provided in section 17-8 and shall be subject to general penalties as described in section 17-2.

(Code 1981, § 14-8)

Secs. 17-10--17-30. Reserved.

## **ARTICLE III. COLLECTION**

### **Sec. 17-61. Households.**

Households owners and/or householders to include tenants and occupants shall be subject to the following requirements regarding solid waste collection services:

(1) All households within the city solid waste collection service area shall have a mobile container approved by the city public works director, and shall pay for city solid waste collection service in accordance with section 17-68. All mobile containers presently in use shall be owned by the respective property owners or householders. Owners of households or householders receiving solid waste collection service for the first time due to new construction or annexation shall be provided a mobile container by the city at a reasonable charge, and such property owners or householders shall become the owners of such containers. Replacement of containers for any reason other than the negligence of the city shall be at the expense of the property owner or householder as appropriate. The city public works director shall be notified by the property owner or householder of the need to purchase a replacement mobile container. The city public works director shall notify such property owner or householder of the cost of the container and the requirement for payment before service can be continued or commenced. Mobile containers shall not be altered in any way which would impede proper solid waste collection service.

(2) If one mobile container is not sufficient to hold the quantity of household garbage and household refuse accumulated between collections, one additional mobile container may be purchased by the property owner or householder, from the city and an additional collection charge will be applied to the solid waste collection services billing. If more than two mobile containers are needed, the property owner or householder may be required to use bulk containers and be serviced with self-loading solid waste collection equipment.

(3) Household garbage or household refuse as defined in this chapter shall be deposited into mobile containers, which containers shall be placed at the curb by the householder for collection by city solid waste collection forces on a pickup schedule established by the city. Collection schedules shall be subject to variations required by weather, legal holidays or other special causes. The city will not collect containers at unoccupied households.

(4) It shall be unlawful for any property owner or householder or any person acting on their behalf as agent, employee, contractor or otherwise, to place solid waste or hazardous waste from a contractor's service in mobile containers for collection by the city.

Household garbage and household refuse placed in mobile containers shall be bagged, including, but not limited to, animal or human waste (diapers). Any personal medical waste must be safely secured and bagged in the manner which will not constitute a danger to collection personnel or to anyone who may come in contact with such waste.

(5) Household garbage and household refuse shall be placed in mobile containers so that the contents shall not extend above the rim of the container, which shall be closed at all times except when filling and emptying. All boxes and cartons shall be broken down to their smallest dimensions before being deposited in mobile containers. Household garbage or household refuse placed at the curb which is not inside a mobile container when city collection crews arrive will not be collected and shall be in violation of this section. Households that have excess household garbage or household refuse should contact the customer service center to purchase an additional mobile container or to request additional recycling containers which will be provided at no extra cost. The monthly solid waste collection fee for the use of a second mobile container will be increased by 50 percent.

(6) Mobile containers shall not be placed on sidewalks, entrance walkways, driveways or streets, or on the property of another, or in such a manner as to obstruct the free flow of traffic or stormwater drainage along any public street.

(7) Mobile containers shall be placed at the curb for collection no earlier than noon on the day preceding collection and no later than 7:00 a.m. on the morning of collection with no obstruction within four (4) feet of the container. Containers shall be removed from the curb no later than 7:00 a.m. on the day following collection by the property owner or householder and returned to the back yard of the premises. In the event the mobile container is not timely removed as set forth herein, the inspector or solid waste collector may issue a notice to return the mobile container to the back of the premises by 7:00 a.m. of the following day. If the mobile container is not returned to the back of the premises after the notification period: (i) the city may issue a fine of \$25.00 for each day that the mobile container remains at or near the curb after the notification period; and (ii) for subsequent offenses during any 12-month period, the city may in addition to the fines, impound the mobile container until payment in full of all fines. The fines may be imposed on the property owner or householder by posting notification of the fine at a conspicuous place on the mobile container and mailing an invoice to the property owner or householder.

(8) Backyard household garbage and household refuse collection service to disabled persons with physical handicaps will be provided when there is no one in the household or employed by the householder physically capable of moving the mobile container from the back yard to the curbside. A doctor's statement of disability may be required to substantiate existence of disability. Backyard household garbage and household refuse collection service will consist of only one pickup per week. The pickup day will be determined by the city public works director.

(9) Mobile containers and surrounding areas shall be kept in a sanitary condition by the property owner or householder. Repair or replacement of mobile containers for any reason, including normal wear and tear, shall be the responsibility of the owner of such mobile container unless the damage necessitating such repair or replacement is a direct result of negligence of city collection staff.

(Code 1981, § 14-12; Ord. No. 2001-67, § 2, 10-2-2001; Ord. No. 2002-37, § 3, 6-24-2002; Ord. No. 2003-82, § 2(Exh. A), 12-8-2003; Ord. No. 2004-48, § 2(Exh. A), 9-27-2004)

**Sec. 17-62. Commercial and industrial establishments.**

Commercial and industrial establishment owners or operators utilizing the city's solid waste collection services shall pay all the city established fees and costs associated with such services, and shall be subject to the following requirements as to the location and use of containers and receptacles for garbage and refuse generated by the establishment:

(1) Any commercial or industrial establishment owner or operator may be required to use a bulk container individually or jointly, depending on quantity of refuse and garbage normally accumulated. The city public works director shall determine the need for and the size and number of any such containers, based on the type and quantity of garbage and refuse and the schedule of collection.

(2) Any commercial or industrial establishment owner or operator whose pickup schedule, location, or volume of refuse and garbage does not, as determined by the city public works director, justify economical and practical collection service by self-loading equipment may be required to accept household type collection service, and shall not be required to use a bulk container, but shall instead be furnished with a mobile container in like manner as is required for use by households. Such service shall be subject to the requirements and provisions applicable to household solid waste collection service as set forth in section 17-61.

(3) Users of bulk containers shall construct an adequate pad on which to place the required container, located according to city specifications, and shall maintain adequate means for access thereto. Bulk containers shall not be placed on the sidewalk, grass plot, curb, gutter or street, except that, whenever commercial or industrial establishments have no accessible rear entrance or rear door, the city may in such case, when the requirements of pedestrian and vehicular traffic will so permit, designate a specified size and type of bulk container or other container or receptacle and a specified location on the sidewalk, parkway or grass plot, curb, gutter or street where the container or receptacle may be placed for use by such commercial or industrial establishment. Whenever size and practicability will so permit and the city shall so require, all such containers shall be removed to the property of the commercial or industrial establishment during normal business hours excepting closing hours. Bulk containers will not be serviced if ready access is not available to the container for use by solid waste collection trucks.

(4) The frequency of collection in any particular location shall be determined by the city public works director on the basis of the needs of the commercial or industrial establishment and proper economy to the city, with sufficient frequency to provide reasonably adequate collection service.

(5) All boxes, cartons and containers shall be broken down to their smallest possible dimensions before being deposited in bulk containers.

(6) It shall be unlawful to burn solid waste in bulk containers.

(7) It shall be unlawful for any commercial or industrial establishment owner or operator or any other person to set or place solid waste outside of bulk containers unless specifically permitted under this chapter. Solid waste placed outside of bulk containers shall not be collected by the city.

(8) It shall be unlawful for any commercial or industrial establishment owner or operator or any other person to place tree debris, yard waste, discarded tires, hazardous waste, large metal objects, white goods, furniture or such similar objects in or beside a bulk container. Any person engaged in manufacturing, recapping or assembling tires must arrange for removal from their premises of all discarded tires, as no city collection service will be provided for such disposition.

(9) City-owned detachable and bulk containers shall be kept in proper operating condition by the city. The users thereof shall maintain such containers in sanitary condition and keep the lids closed at all times except when filling and emptying. Such containers which are damaged, destroyed or burned through abuse, neglect or improper use by the commercial or industrial establishment or other user, shall be replaced by the city at the expense of the user thereof. Bulk containers shall be replaced by the city at no charge when the containers are damaged and unusable due to normal and reasonable usage and age or when such damage is the direct result of negligence of city collection staff.

(10) Detachable and bulk containers shall be furnished to users thereof by the city, and the users shall pay to the city a monthly rental charge as established by the city public works director. Certain commercial and industrial establishments may be permitted to purchase and own their bulk containers outright by applying to the city public works director, who shall determine if this is feasible.

(11) The city shall not be responsible for the removal of solid waste from any commercial or industrial establishment or other establishment required to obtain a bulk container due to volume of solid waste, which fails to purchase or rent such bulk container for use as required in this section, except that all such commercial or industrial establishment owners and operators shall be required to pay the city's fees and costs associated with solid waste collection by the city including all fees for bulk containers. The city is not necessarily responsible for collection of industrial waste, as defined herein, but may consider such on a case by case basis.

(Code 1981, § 14-13; Ord. No. 2004-13, § 3(Exh. A), 6-28-2004; Ord. No. 2004-31, § 3(Exh. A), 6-28-04; Ord. No. 2004-37, § 3(Exh. A), 6-28-2004; Ord. No. 2005-41, § 3(Exh. A), 8-8-2005)

### **Sec. 17-63. Apartments.**

Apartments utilizing the city's solid waste collection services shall pay all the city established fees and costs associated with such services, and shall be subject to the following requirements as to the location and use of containers and receptacles for household garbage and household refuse:

(1) After careful consideration of the number of units, type of utility service and billing therefore, pickup scheduling, volume of household garbage and household refuse, and other pertinent factors, and after prior consultation with the person

responsible for any apartment, the city public works director shall determine whether a given apartment shall be served by self-loading bulk containers or by utilizing mobile containers as used by households. Where bulk containers are utilized, it shall be the responsibility of the person responsible for the apartment to see that all household garbage or household refuse deriving there from is placed in the bulk container at its specified location as determined by the city, with due regard for loading conditions and convenience. Any failure to place such household garbage or household refuse in such bulk container which results in littering the premises shall be unlawful. Each day of failure to comply with this section shall constitute a separate offense.

(2) Where apartments are receiving solid waste collection service as in the case of a household, such service shall be subject to the requirements and provisions applicable to household solid waste collection service as set forth in section 17-61.

(3) Where apartments are receiving solid waste collection service by self-loading bulk containers, such service shall be subject to the requirements and provisions applicable to commercial and industrial establishment solid waste collection service as set forth in section 17-62.

(Code 1981, § 14-14; Ord. No. 2004-31, § 3(Exh. A), 6-28-2004; Ord. No. 2004-37, § 3(Exh. A), 6-28-2004; Ord. No. 2005-41, § 3(Exh. A), 8-8-2005)

#### **Sec. 17-64. Bundled or bulky items.**

Items of a bulky nature, which cannot be placed in mobile containers or plastic trash bags for regular household garbage and household refuse collection as provided in section 17-61, will be collected by the city on a schedule determined by the city public works director provided that the following conditions are met:

(1) Subject to the other provisions of this chapter, householders may place discarded furniture, white goods and other bulk household items on the front corner of their premises nearest to the public street or alley, for collection, no earlier than noon the day preceding pickup and no later than 7:00 a.m. the day of pickup. Household white goods may be placed at the curb for pickup only after the householder makes prior arrangements with the public works office. Waste from home based commercial establishments will not be picked up by city crews. Refrigerators must have doors removed. Yard waste to be collected by city crews shall not be subject to time restrictions but should be so placed as near to scheduled pickup time as possible. Tree debris to include larger such items which shall be broken up shall be placed in a mobile container and positioned at the curb for collection no earlier than noon on the day preceding collection and no later than 7:00 a.m. on the morning of collection with no obstruction within four (4) feet of the container. Metal items shall be kept separate from all other household refuse.

(2) If a legal holiday occurs on the day of a householder's regular pickup, collection may not be made until the next regularly scheduled pickup.

(3) Yard waste and tree debris of more than one truckload will be hauled at such time as trucks and crews are available. Tree debris which exceed six inches in

diameter or 12 feet in length shall not be removed by city crews unless arrangement for special collection has been made in advance with the public works department and a fee for such special service is paid. Debris from contracted tree work shall not be collected by city crews.

(4) It shall be unlawful for any property owner, householder, or person acting on their behalf as agent, employee, contractor or otherwise, to place at the curb for regular pickup any item or material as described below in a. through e. It shall also be unlawful for any property owner or householder to allow any condition in violation of this section to continue after having been served with notice of the violation and not correcting the violation by the date provided for in the notice.

a. Any construction and demolition debris or other solid waste resulting from work for which a building permit is required;

b. Any yard waste or tree debris from contracted landscape or tree work, or any other contracted work;

c. Any solid waste or contents from rental property cleanouts or evictions initiated by the property owner or his agent; or

d. Any hazardous waste or stumps;

Householders may take items prohibited for placement at the curb to York County convenience centers or to the York County landfill in accordance with York County rules and regulations.

Householders, property owners or agents with such solid waste and personal property, except for hazardous waste, may make special arrangements in advance with the city public works department for a special collection service for a fee as set forth in the fee schedule in Appendix A to this Code. Personal property from evictions shall be removed by the city in accordance with applicable law for a fee as set forth in the fee schedule in Appendix A to this Code. If any person fails to make arrangements with the city for the removal of solid waste or contents left over from evictions as provided above, the fees set forth in Appendix A shall increase by \$50.00 per customer, and such property shall be collected by the city within its normal schedule for such items.

Notwithstanding the above, personal property from evictions shall be removed by the city in accordance with applicable law, provided such personal property is not placed on a public street as a result of an abandonment by the householder, in which case the property owner must remove such abandoned personal property as provided by applicable law. If any person fails to make arrangements with the city for the removal of personal property and/or solid waste left over from evictions as provided above, the fees shall increase by \$50.00 per customer, and such property shall be collected by the city within its normal schedule for such items .

(5) Commercial and industrial establishments, apartments and other users of self-loading bulk containers shall not place discarded furniture, junk, white goods, e-waste, machinery, yard waste and other large objects in or beside bulk containers or at the curb for collection. Arrangement for a special collection of such items may be made in advance with the public works department and a fee for such special services paid.

(6) Solid waste generated or placed on vacant lots will not be collected by city crews unless arrangement for a special collection has been made in advance with the public works department and fee for such special service is paid. Householders and other generators of solid waste shall place items for collection only on their own property unless otherwise authorized by the city.  
(Code 1981, § 14-15; Ord. No. 2004-37, § 3(Exh. A), 6-28-2004; Ord. No. 2004-48, § 2(Exh. A), 9-27-2004)

**Sec. 17-65. Leaves and yard waste.**

Leaves shall be raked to the edge of the street for collection by leaf trucks on a schedule determined by the public works director only during the months of November, December and January. Accumulation during remaining months shall be placed at the curb in a mobile container without bagging to be collected on regular solid waste collection schedule as provided in section 17-64. Leaves shall be included with other yard waste and kept separate from any other type of debris. Leaves shall not be placed at the curb in bags. Additionally, it shall be unlawful for any person by blowing or other means to cause leaves and yard waste to be in the public streets or stormwater conveyance systems within the city limits.

Loose yard waste shall be placed into a designated mobile container for collection at the curb. The mobile container shall be removed from the curbside no later than 7:00 a.m. on the day following collection. Arrangement for a special collection of such loose items may be made in advance with the public works department and a fee for such special services paid. Large yard debris such as limbs and brush which will not fit into the rollcart(s) may be placed loose at the curb except that larger and larger such items shall be broken up so as that they may fit and be placed into the rollcart(s). A service fee as set forth in Appendix A will be charged for failure to comply with the provisions of Section 17-65 which will result in the City providing an extra service in order to clean up and remove yard waste and debris left at the curbside  
(Code 1981, § 14-16)

**Sec. 17-66. Tampering with material set out for collection; interference with collection personnel.**

It shall be unlawful for any person, other than those under the direction of the public works director, to haul away, remove, plunder through or in any way tamper with any solid waste, or recyclable material set out for collection, whether in collection containers or bundled for collection as provided for in this chapter, except by written consent of the public works director. It shall be unlawful to interfere with or hinder city collection personnel in the performance of collection duties.  
(Code 1981, § 14-17)

**Sec. 17-67. Duty of property owners, householders, commercial**

**establishments, industrial establishments or other persons to ensure that containers are available for pickup.**

It shall be the duty of each property owner, householder, commercial establishment, industrial establishment or person to ensure that all mobile containers and bulk containers under their control, and the contents thereof, as provided for in this chapter, are available for pickup service by the city solid waste collection staff at such place and time as may be fixed by the city. No employee of the city shall assist in any way in the performance of the duties of the property owner, householder, commercial establishment, industrial establishment or person as set forth in this section.

(Code 1981, § 14-18)

**Sec. 17-68. Charges.**

The city, by and through its proper departments, shall be responsible for the collection and disposal of all solid waste within the city for all its ~~municipal~~ households and commercial and industrial establishments except as provided herein. In addition, the city may, in its discretion, be responsible for the collection and disposal of solid waste for certain customers outside the city, for both households and commercial and industrial establishments, to the extent otherwise provided in this chapter. Households and commercial and industrial establishments receiving solid waste collection service from the city shall be required to comply with the requirements of this section as follows:

(1) *Mobile containers.* Household and commercial and industrial establishments not required to use bulk containers shall pay the sum listed in the fee schedule in Appendix A to this Code for one mobile container, plus an additional sum for each additional mobile container used at such household or commercial or industrial establishment.

(2) *Solid waste.* All households within the city which utilize city solid waste collection service shall receive solid waste collection at no additional fee. However, those households outside the city which utilize city household garbage ~~and trash~~ and the recycling collection service and which elect to receive yard waste and tree debris collection shall pay according to the fee schedule in Appendix A to this Code.

(3) *Bulk containers.* Commercial or industrial establishments, and others required to use bulk containers, shall pay according to the fee schedule in Appendix A to this Code.

(4) *Apartments.* Apartments as with other households, whether pickup is by bulk or individual mobile container, shall pay the sum listed in the fee schedule in Appendix A to this Code per occupied dwelling unit, plus an additional sum per dwelling unit for each additional mobile container used by any occupant.

(5) *Billing generally; failure to pay charges.* Solid waste collection service charges shall be added to the utility bill of the person receiving the service. Utility service shall be discontinued for nonpayment of the solid waste collection service charge in like manner and under like handling as in the case of nonpayment of the bill for city combined utility service.

(6) *Billing for apartment buildings with master meter utility service.* Where master meter utility service exists at apartment buildings or complexes, the charge for solid waste collection service and any rental charge due the city for use of any bulk containers shall be added to and paid along with the master meter bill for utility service, whether the garbage pickup service is on a householder or a commercial basis.

(7) *Billing for apartment buildings with individual meter utility service.* Where individual meter utility service exists at any apartment, the charge for solid waste collection service shall be paid along with the respective individual meter bills for utility service.

(8) *Rental charge for bulk containers.* Where the city furnishes a self-loading bulk container for the use of any person, a rental charge shall be made therefore in accordance with a schedule established by the city, and such rental bill shall be added to and collected along with and in like manner as the solid waste collection service charge.

(9) *Joint use of bulk containers.* Where two or more persons share the use of a bulk container, the solid waste collection service charge and any container rental due the city shall be prorated among the joint users in such manner as shall be equitable, depending upon volume, nature and extent of usage, as shall be determined by the public works director after consultation with users of bulk containers; provided, however, that the minimum payment per month for each such person shall be as set from time to time and as listed in the fee schedule in Appendix A to this Code.

(10) *Changes in service.* To facilitate billings, changes in the number of collections per week or other items affecting customer charges shall not be made except at the end of the billing cycle, unless otherwise approved by the public works director for special cause shown.

(11) *Discontinuance of service.* The city may discontinue solid waste collection service to any person (i) whose account becomes delinquent in the payment of any bill for solid waste collection service (including fines and restitution) or (ii) that materially violates the terms of the chapter after service of a notice of violation.

(12) For any single sale of mulch equal to or exceeding five cubic yards but not equal to or exceeding 30 cubic yards, there shall be imposed a wholesale price per cubic yard as defined in Appendix A to this Code. For any single sale of mulch equal to or exceeding 30 cubic yards, there shall be imposed a wholesale price per cubic yard as defined in Appendix A to this Code.

Notwithstanding the above fee schedule, the City may in its sole discretion, upon approval and direction of the City Manager, or his designee, bid, on a competitive basis, for any City provided services as set forth in the fee schedule for Chapter 17, so long as such competitive bid is in the best interests of the City.

(Code 1981, § 14-19; Ord. No. 2000-71, § 3, 12-18-2000; Ord. No. 2001-49, §§ 2, 3, 6-25-2001; Ord. No. 2001-67, § 3, 10-2-2001; Ord. No. 2002-37, § 4, 6-24-

2002; Ord. No. 2002-38, § 2, 6-24-2002; Ord. No. 2004-31, § 3(Exh. A), 6-28-2004; Ord. No. 2005-41, § 3(Exh. A), 8-8-2005)

**Sec. 17-69. Sufficient containers required at loading areas.**

It shall be unlawful for any person maintaining a loading or unloading area to fail to provide city approved receptacles for any solid waste generated by said person. The number of containers necessary for each area shall be determined by the public works director.

Notwithstanding the above fee schedule, the City may in its sole discretion, upon approval and direction of the City Manager, or his designee, bid, on a competitive basis, for any City provided services as set forth in the fee schedule for Chapter 17, so long as such competitive bid is in the best interests of the City.

(Code 1981, § 14-20)

**Sec. 17-70. Processing fee for recyclable materials delivered to recycling center.**

Process fee for yard waste or tree debris delivered to compost/wood chipping center. When a person, other than the city delivers, or causes to be delivered, yard waste or tree debris to the city compost/wood chipping center or other location so designated by the city for unloading and processing, the following shall apply:

- (1) A unit charge as set from time to time and as set forth in the fee schedule in Appendix A to this Code shall be payable to the city to help defer processing costs, except as provided in subsection (3) of this section. Such fees shall be billed monthly and payable on receipt.
- (2) Each delivery should have a ticket for the amount of units in the load being delivered. If a delivery is made without a unit amount, then compost/wood chipping center personnel will estimate the units and issue a receipt for that quantity of yard waste or tree debris delivered.
- (3) An intergovernmental agreement to provide processing services between the city and another jurisdiction shall supersede the tipping fee set forth in subsection (1) of this section.

Notwithstanding the above fee schedule, the City may in its sole discretion, upon approval and direction of the City Manager, or his designee, bid, on a competitive basis, for any City provided services as set forth in the fee schedule for Chapter 17, so long as such competitive bid is in the best interests of the City.

(Code 1981, § 14-21; Ord. No. 2004-37, § 3(Exh. A), 6-28-2004)

**Sec. 17-71. Pickup of recyclable materials; containers for recyclable corrugated paper materials.**

(a) *Pickup generally.* Households and commercial or industrial establishments which receive solid waste collection services from the city using mobile

containers shall also receive curbside recycling services at no additional fee. The pickup schedule and material collected will be determined by the city.

(b) *Containers for recyclable corrugated paper materials.*

(1) Commercial and industrial establishments *with city solid waste collection service.* Commercial and industrial establishment customers who subscribe to city solid waste collection services may request a separate container to be used to place corrugated paper materials to be recycled by this city. There shall be a utility fee per container as set from time to time and as set forth in the fee schedule in Appendix A to this Code. This fee will be added to the utility bill of the commercial or industrial establishment and will constitute a portion of the combined utility services bill.

(2) *Establishments not having city solid waste collection service.* Commercial or industrial establishments located within the city who do not subscribe to city solid waste collection services may request a container designated for corrugated paper materials to be recycled by the city. Any city utility customer within a two-mile radius of a point on the nearest city boundary line may obtain an application for an agreement for a container designated for corrugated paper materials to be recycled by the city. There shall be a utility fee per container as set from time to time and as set forth in the fee schedule in Appendix A to this Code. This fee will be added to the utility bill of the commercial or industrial establishment and will constitute a portion of the combined utility services bill.

(3) *Availability of containers; collection schedule.* Corrugated recycling containers are limited and will be placed on an availability basis. Priority will be given to in-city customers and those who generate large volumes of corrugated paper materials. Collection schedules will be determined by the city public works department.

(4) *Use of containers.* Customers with corrugated material recycling containers shall provide a collection location accessible to the collection vehicle, keep container doors closed at all times and place only flattened corrugated boxes in the container. If any corrugated material recycling container is found to have any quantity of solid waste upon collection, the user will be assessed an extra pickup charge per occurrence as provided in section 17-68(2).

Notwithstanding the above fee schedule, the City may in its sole discretion, upon approval and direction of the City Manager, or his designee, bid, on a competitive basis, for any City provided services as set forth in the fee schedule for Chapter 17, so long as such competitive bid is in the best interests of the City.

(Code 1981, § 14-22)

### **Sec. 17-72. Illegal Dumping**

Illegal dumping means any unpermitted or unregistered solid waste disposal activity. Any ongoing accumulation of garbage or refuse shall be considered illegal dumping. Illegal dumping may be declared a nuisance.

(1) It shall be unlawful for any person to dispose of or cause to be disposed of, or for any property owner to allow any person to dispose of or cause to be disposed of any type of solid waste anywhere in the city except at a solid waste management facility that has been approved by the City and/or the South Carolina Department of Health and Environmental Control

(2) *Declaration of nuisance.* Solid waste allowed to accumulate and allowed to remain on any lot or parcel of land in the city may be deemed and declared a nuisance in the judgment of the city public works director and clean up may be required.

(3) *Duties of owner, etc.* It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in the city to remove and properly dispose of such solid waste as often as may be necessary to prevent the accumulation of such waste. Furthermore, it shall be the responsibility of the owner, lessee, occupant, agent, or representative of the owner to limit access to said property such that indiscriminate disposal of solid waste is minimized.

(4) *Notice to owner, etc., to remove.* Whenever the city public works director shall find that solid waste has been allowed to accumulate and remain upon any lot or parcel of land in the city in such a manner as to constitute a nuisance, the city public works director may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this chapter. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.

(5) *Failure to comply with notice.* If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such solid waste to be removed from any such premises and properly disposed of within ten (10) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter. Alternatively, in the event any property is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States Mail, or posted upon the premises, then the city public works director may enter upon any such property and abate such nuisance by removing and disposing of the solid waste. A fee for doing such work may be assessed based on a reasonable estimate of actual labor costs and real expenses incurred by the city for the work. This fee will be added to the utility bill of the person to whom the notice was directed or may constitute a lien upon the property of the person to which the solid waste management service concerned relates so long as the charges remain unpaid.

(6) In those instances where the city public works director determines that illegal dumping has occurred, the director may as appropriate use whatever written information, e.g., addresses on mail, found in the waste to assign responsibility for the illegal dumping.

(7) It shall be unlawful for any person to place their solid waste in a solid waste collection container other than the container designated by the city for that person without the written consent of the entity responsible for the other collection container.

Secs. 17-73 --17-100. Reserved.