

# ORDINANCE 2004-03

This Ordinance repeals and modifies previous Ordinances relating to the Town of Bath Refuse Collection

BE IT INACTED AND ORDAINED BY THE TOWN OF BATH COUNCIL THAT TITLE 11, CHAPTER 6, BE MODIFIED AND AMENDED TO READ AS FOLLOWS:

## CHAPTER 6 – REFUSE COLLECTION AND DISPOSAL

### SECTION 11-601 DEFINITIONS

The following definitions shall be used in interpreting this article:

- (a) Private Scavenger – The term “private scavenger” shall be taken to mean one who, for hire, collects, removes or disposes of refuse.
- (b) Refuse – The word “refuse” shall be taken to mean trash, rubbish, litter, garbage, prepared garbage, domestic waste; organic wastes or residue of animals sold as meat, fruit or other vegetable matter from kitchens, dining rooms, markets, or places dealing in or handling meats, fowl, fruits, grain or vegetables; sweepings, cleanings
  - (1) Prepared Garbage – means material from kitchens, dinning rooms and similar places, from which liquids have been drained and solid matter wrapped in paper.
  - (2) Raw Garbage – means swill not prepared as provided in (b) (1) above
  - (3) Trash – means waste material containing no putrid matter or organic wastes.
  - (4) Ashes – means residue resulting from the combustion of coal, coke or wood in domestic, industrial or commercial stoves, furnaces or boilers.
- (c) Refuse Collection – means the gathering of refuse containers / bags and their contents from the premises of improved property, loading the contents into removal vehicles and returning the containers to the place where found, after the contents have been emptied, for which a charge is made as provided in this article.
- (c) Refuse Disposal – means the disposition of refuse in accordance with the rules and regulations promulgated by the Town of Bath Council.
- (d) Refuse Removal – means the hauling and transportation of refuse from the point of collection to the point of disposal.

(e) Classification of Refuse Service Customers

- (1) Residential: A Single Family Residence within the Town of Bath city limits
- (2) Commercial: All businesses located and operating within the Town of Bath city limits who are required to possess a Town of Bath Business License

SECTION 11-602 COLLECTION, REMOVAL AND DISPOSAL

No person, except the duly authorized employees or agents of the City or a private contractor licensed by the Public Service Commission shall engage in or conduct the business of collection, removal or disposal of refuse within the corporate limits of the City.

SECTION 11-603 RECORDS TO BE KEPT BY MUNICIPAL CLERK

The Town of Bath Municipal Clerk shall bill users of the municipally operated refuse service in a manner prescribed by the town council and shall keep proper records showing all receipts.

SECTION 11-604 USE OF COUNTY LANDFILL

Municipally operated refuse service or any approved private scavenger service shall use the disposal site as designated by town council. Private scavengers must show proof of appropriate disposal

SECTION 11-605 DUTY OF RESIDENT, ETC., TO SUBSCRIBE TO AND PAY FOR COLLECTION, REMOVAL AND DISPOSAL SERVICE:

All residents or businesses residing in or doing business within the town shall subscribe to, use and pay for the collection, removal and disposal service provided by the town or an approved private scavenger having a permit from the town as provided in this chapter.

In the case of rental properties the Landlord of each individual apartment dweller shall subscribe to, and will be held responsible for payment of each residence with a separate living entrance whether occupied or unoccupied, unless rental unit is permanently closed.

It shall be unlawful for any person to neglect or refuse to subscribe to such service and to pay therefore at the rates established by the town council for the type of service furnished each such person or business.

SECTION 11-606 RULES AND REGULATIONS:

The town council may prescribe, publish, promulgate and enforce reasonable rules and regulations, deemed necessary or proper, consistent with this chapter to carry out the objects and purposes thereof and for the safety and health of the citizens of the town in respect to the collection, removal and disposal of refuse as herein defined. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

SECTION 11-607 SPECIFICATIONS FOR REFUSE CONTAINERS:

Standard containers for the storage of refuse shall be substantially made of metal or plastic, leak proof and water tight.

A Residential unit is defined as a unit of volume measuring anything up to (6) six, sealed standard size (30) thirty gallon plastic trash bags or the equivalent thereof, with the understanding that the maximum weight of any such bag is not to exceed 40 pounds.

A Commercial unit is defined as a unit of volume measuring anything up to (10) ten, sealed standard size (30) thirty gallon plastic trash bags or the equivalent thereof, with the understanding that the maximum weight of any such bag is not to exceed 40 pounds.

SECTION 11-608 LOCATION OF CONTAINERS:

Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Dumpsters shall be placed at the discretion of the Refuse Collection Department. Where streets are used by the municipal refuse collections, containers shall be placed adjacent to and back of the curb or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the municipality for the collection of refuse therefrom. As soon as practicable after such containers have been emptied, they shall be removed by the owner within, or to the rear of, his premises and away from the street line until the next schedule time for collection.

SECTION 11-609 PERMIT FOR PRIVATE REFUSE COLLECTORS:

No private scavenger shall engage in the collection, removal or disposal of refuse without first obtaining a permit from the town council to render such services.

SECTION 11-610 RATE SCHEDULE

In order to ensure that the Refuse Collection service provided for in this chapter is self supporting, there is hereby established and levied the following schedule of fees, rates and charges:

- RATE 1: Residential Pick-up  
1 Pick-up Weekly (1 unit / 6 Bags)  
Quarterly Cost \$36.00
  
- RATE 2: Commercial Pick-up  
1 Pick-up Weekly (1 Unit / 10 Bags)  
Quarterly Cost \$60.00
  
- RATE 3: Commercial Pick-up  
\*Businesses which generate Food Waste must have at least  
2 Pick-ups Weekly (2 Units / 20 Bags)  
Quarterly Cost \$120.00
  
- RATE 4: Commercial Pick-up  
3 Pick-ups Weekly (3 Units / 30 Bags)  
Quarterly Cost \$180.00
  
- RATE 5: Commercial Pick-up (Dumpster 4 Yard)  
1 Pick-up Weekly...40 Bags  
Quarterly Cost \$480.00
  
- RATE 6: Commercial Pick-up (Dumpster 4 Yard)  
2 Pick-ups Weekly...80 Bags  
Quarterly Cost \$960.00
  
- RATE 7: Commercial Pick-up (Dumpster 4 Yard)  
3 Pick-ups Weekly...120 Bags  
Quarterly Cost \$1,440.00
  
- RATE 8: Commercial Pick-up (Dumpster 6 Yard)  
3 Pick-ups Weekly (180 Bags)  
Quarterly Cost \$2,160.00

Any Customer continuously exceeding their current rate charged will be reassessed at the discretion of the Refuse Collection Department.

**SPECIAL PICK-UP**

A Special Pick-up will be \$75.00 per Pickup truck load and is to be scheduled and paid for in advance of said pick-up. Special pick-up shall be defined as Refuse outside the limits of regular collection and shall include items such as furniture, appliances, small construction materials, etc. and shall be at the discretion of the Refuse Collection Department.

SECTION 11-611 PAYMENT IN ADVANCE REQUIRED:

The rates established and set forth in Section 11-612 above shall be payable in advance of the current billing period. The Refuse Collection Service fee levied and assessed by this Article shall be collected from each Owner and User, and shall be due and payable twenty days from the date of the billing period.

Any account not paid in full within twenty (20) days of the date the bill is issued will be assessed a five dollar (\$5.00) penalty.

SECTION 11-612 DEPOSITING OF GARBAGE AND REFUSE ON PREMISES, STREETS, ETC.:

It shall be unlawful for any person, either with or without the intent later to remove or burn, to deposit, throw, place or scatter any garbage, rubbish, trash, ashes or other refuse over or upon any premises, street, or alley, either public or private, or adjacent thereto.

It shall be unlawful for any person to bring refuse into the Town of Bath with the express intent of disposing of and abandoning.

SECTION 11-613 EFFECT OF FAILURE TO PAY:

If any fee, rate or charge provided for in this chapter shall not be paid within thirty days after the same is due, the amount thereof may be recovered by the town in any appropriate action. Upon the failure of any person receiving such service to pay for same when due, the town may discontinue such service without notice. In the case of rental properties, landlords shall be responsible for garbage fees on which their tenants have defaulted.

SECTION 11-614 UNLAWFUL ACCUMULATIONS:

No person shall cause or permit the accumulation of refuse in, about or upon premises owned, occupied or used by him, when and if, in the judgment of the County Health Officer, such accumulation is deemed unsightly, offensive, unsanitary or hazardous to the property, life health, safety or welfare of the public.

No person shall deliver refuse to or upon private property.

SECTION 11-615 PENALTIES:

Except as otherwise provided, any person violating any of the provisions of this Chapter, or failing or refusing to abide by and comply with rules or regulations promulgated to effectuate the provisions of this article, shall, upon conviction, be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each subsequent offense.

This Ordinance shall take effect upon 2<sup>nd</sup> Reading and approval of the Town of Bath Council.

1<sup>st</sup> Reading August 2, 2004  
2<sup>nd</sup> Reading October 4, 2004

Severin J. Webster  
Mayor

Attest: Dave Hall  
Recorder