

CHAPTER 9**SECTION 2****Utility Services****Subsections:**

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9-2-1 TOWN REFUSE COLLECTION SERVICE.

(A) The Town shall provide solid waste collection and curbside recycling services (hereinafter referred to collectively as “Refuse Collection Service”) to residential customers who desire to utilize such service in accordance with the terms and conditions set out in this Section. Such service may be provided by using Town Employees or Independent contractors or both.

(B) Commercial Trash Haulers or other solid waste collection service providers are not restricted from operating within the Town and providing solid waste collection services; however, single family residences, duplexes, and multifamily residences of fewer than eight dwelling units shall be subject to the charges for Town Refuse Collection Service as provided in this Section, whether or not the Town's Refuse Collection Service is actually utilized for the dwelling unit in any month. Multifamily residences of eight or more units and other non-residential customers shall not be eligible for Town Refuse Collection Service. They must make their own arrangements for service.

9-2-2 LIABILITY FOR AND COLLECTION OF CHARGES.

(A) The customer, owner, lessee and person in possession of any premises served or subject to the collection charges provided in this Section, shall be jointly and severally liable for the charges imposed by this Section.

(B) All charges shall be a lien upon the property served or subject to the charges imposed herein, from the date billed, which may be enforced or foreclosed in accordance with law.

(C) The Town may maintain an action in a court of competent jurisdiction for any amounts due plus interest.

(D) Delinquent charges may be certified to the County Treasurer to be collected in the same manner as property taxes against the property served or subject to the charges imposed by this Section.

(E) Bills for all charges will be sent directly to the property owner, unless otherwise authorized by the Town because of unique circumstances, monthly with water bills, or otherwise, and shall specify a due date, as determined by the Council.

(F) In the event charges are not paid by the due date specified on the bill, a \$10.00 penalty may be charged.

9-2-3 CHARGES FOR RECYCLE AND REFUSE COLLECTION SERVICES.

(A) (1) The base monthly charge for recycling services for each residential dwelling unit shall be \$7.25 for weekly pick-up of one Town or contractor supplied recyclable container. (Ord 7-2011)

(2) The base monthly charge for each single family residential dwelling unit shall be:

- (a) \$14.42 for customers using up to 96 gallons of customer provided cans per unit;
- (b) \$15.42 for customers using a contractor provided poly cart per unit;
- (c) \$18.42 for customers using a contractor provided animal resistant poly cart per unit. (Ord 7-2011)

(3) Unless the Town authorizes the use of individual cans or containers, the base monthly charge for lots with three or more dwelling units in one or more buildings, shall be \$33.43 for each one-yard common dumpster, plus \$57.54 for each two-yard common dumpster, plus \$85.48 for each three yard common dumpster utilized by the customer. (Ord 7-2011)

(4) In addition to the base monthly charge customers shall be subject to a fuel surcharge as set out by the Town's current solid waste collection contract as authorized by the Town Council. (Ord 7-2011)

(B) Customers requiring or desiring additional services shall make arrangements with the Town or contractor for such service and pay any additional charges determined to be necessary. (Ord 3-2007)

(C) Customers who leave more refuse out for collection than allowed pursuant to Subsection (B) shall be subject to a surcharge at the rate of \$13.26 per cubic yard, (1/2 cubic yard minimum) or according to a schedule of additional charges included in the agreement with a contractor. Extra poly cart one time per week with regular service is \$10 per pickup, and an extra 32-gallon can with regular service is \$5 per pickup. (Ord 7-2011)

(D) Customers whose premises are vacant, and who have qualified for the water service vacancy rate, shall not be charged for Refuse Collection Service while on the water vacancy rate, so long as they do not have any refuse placed for collection. (Ord 6-2003)

9-2-4 TRASH CANS AND CONTAINERS.

(A) The customer shall provide, at the customers expense, trash cans meeting the requirements of this Subsection, or purchase a contractor supplied container. Common dumpsters must be used to serve any lot with three or more dwelling units in one or more buildings, unless the Town authorizes the use of cans or other containers because of the lack of a suitable location for dumpsters. Such dumpsters shall be provided by the contractor, at applicable costs to the customer. (Ord 9-2007)

(B) No trash cans may be used except durable metal or plastic watertight containers which have a capacity no greater than thirty-two (32) gallons, with suitable handles on the outside and a tightly fitting metal or plastic cover with a handle, and which have smooth tapered and obstruction free insides. (Ord 6-2003)

(C) No can shall have any dangerous or sharp edges. (Ord 6-2003)

(D) All cans and containers shall have a lid, which shall be kept closed except when loading and unloading. Animal resistant cans and containers are preferred. (Ord 3-2007)

(E) No more than three (3) thirty-two (32) gallon trash cans per dwelling unit, or one 95 gallon container, may be utilized by any residential customer, unless arrangements are made with the Town and additional charges paid. (Ord 6-2003)

(F) Cans in violation of this Subsection or other requirement of this Section need not be emptied, but charges shall be due, nonetheless. (Ord 6-2003)

(G) The Town or the contractor shall provide the bins or containers for use for the recyclables. (Ord 6-2003)

(H) When common dumpsters are used, they shall be screened by fencing. (Ord 6-2003)

9-2-5 PLACEMENT FOR COLLECTION.

(Subsection Amended by Ord 6-2003)

(A) Trash cans and containers shall be placed, on the day of pickup only, in alleys at the edge of the alley, or at the edge of the street where there is no opened alley, in a location that is safe, and doesn't interfere with traffic. When it is impractical to make pickups in these locations, other arrangements must be approved by the Town.

(B) All containers and cans must be placed on hard, level surfaces in a place accessible for pickup by the Refuse Collection equipment and personnel. When common dumpsters are used, they shall be screened by fencing and accessible to the contractor by truck.

9-2-6 RECYCLABLES.

Materials that may be placed for collection as recyclables include cardboard, newspaper, office paper, slick paper, brown paper, magazines and catalogues, aluminum and steel cans, #1 and #2 plastic bottles, and clear, green and amber glass jars or bottles. No other materials may be placed in the recyclable containers. (Ord 3-2007)

9-2-7 PROHIBITED AND CONTROLLED MATERIALS.

Liquids, dead animals, extremely flammable, toxic, explosive or hazardous materials, materials contaminated with contagious diseases, car bodies, sludge, hot materials, and all other material, refuse or debris not accepted at the applicable Land Fill or transfer station will not be picked up by the Town. Special arrangements for collection of these items or other large or unusual loads must be made with contract hauler who may refuse to collect such items or may charge an additional fee for doing so.

9-2-8 TAMPERING WITH TRASH CONTAINERS.

It shall be unlawful for any person to use, tamper with or otherwise disturb any refuse container or can, or its contents, which belongs to another, without permission or a legal right to do so.

9-2-9 TERMINATION AND INITIATION OF SERVICE.

(A) All dwelling units shall be first subject to the charges imposed by this Section at the time water service is initiated or trash first placed for collection, whichever occurs first.

(B) Trash service may be suspended for violation of this Section, or non-payment of charges following notice and hearing pursuant to the procedures for the termination of water service.

(C) Service may be initiated following acquisition of the proper containers or cans by the customer, and establishment of a billing account with the Town.

9-2-10 ILLEGAL USE OF TRASH COLLECTION SERVICE.

(A) It shall be unlawful for any person to utilize Town Refuse Collection Services without paying the charges imposed by this Section.

(B) It shall be unlawful for any person to place his trash for collection with or in cans or containers belonging to a Town customer, unless such person is paying the charges imposed by this Section and has the other's permission.