

CHAPTER XV

SOLID WASTE MANAGEMENT

15-1 DEFINITIONS.

As used in this chapter:

Ashes shall mean waste resulting from the burning of wood, coal, coke or other combustible materials which have no live embers.

Building materials shall mean materials such as lumber, bricks, plaster, floor covering, shingles or other substances accumulated from the construction, remodeling or demolition of any building.

Collection shall mean the act of removing solid waste from the designated place at the source of generation.

Collection point means the location where public works department personnel and equipment take possession of solid waste generated by residential or commercial activities. The residential collection point is at the curb. The commercial collection point is determined by the public works department.

Commercial garbage receptacles shall mean front end loading containers with a maximum capacity of eight (8) cubic yards owned by the city and provided by the public works department to its customers for the storage and collection of their garbage.

Comprehensive solid waste management program shall mean the procedures developed by the public works department for the purposeful and systematic control of the generation, storage, collection, transportation, separation, processing, recovery and disposal of solid waste.

Customer shall mean any person inside the corporate limits receiving solid waste collection services from the public works department.

Dwelling unit shall mean a building or portion of a building arranged for or designed exclusively for human habitation.

Garbage shall mean waste from the preparation, cooking, serving and consumption of food. It also includes all other household and office waste not excluded elsewhere by federal, state, county and city regulations.

Industrial solid waste shall mean any solid waste that results from industrial processes and manufacturing.

Litter shall mean deposits of solid waste excluding yard trash placed or stored anywhere outside of a building except in approved residential or commercial receptacles.

Litter stations shall mean city supplied receptacles on public property for storing garbage generated on public property until collected by the public works department.

Person shall mean any individual, partnership, firm, company, public or private corporation, association, joint stock company, trust, estate or any other legal representative or agent.

Plastic bags shall mean bags of extra strength plastic having a thickness of at least two (2) mils.

Public works department shall mean the city department charged with the administration and enforcement of this chapter.

Recycle bin shall mean a storage container owned by the city and provided by the public works department to its customers for the storage and collection of their solid waste to be recycled.

Recyclable materials shall mean any solid waste that the public works department has identified for separate collection and recycling in its comprehensive solid waste program.

Residential garbage receptacles shall mean containers of one hundred (100) gallons or less in capacity owned by the city and provided by the public works department to its customers for the storage and collection of their garbage.

Scavenging shall mean the unauthorized exploration or removal of solid waste at any point in solid waste management.

Solid waste shall mean unwanted, useless or discarded waste materials in a solid or semi-solid state. It includes garbage, materials for recycling, yard trash, yard rubbish and building materials.

Special collection shall mean any collection authorized by the public works director outside of the approved normal route collections of solid waste.

Storage shall mean keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Yard rubbish shall mean non-vegetative materials that may be buried in a construction and demolition landfill.

Yard trash shall mean solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

White goods shall mean large household appliances such as refrigerators, washing machines, clothes dryers, freezers and hot water heaters.
(Code 1969, §22 1/2-1; Ord. No. 1978-8; Ord. 3/1/83, AI; Ord. No. 2000-9)

15-2 OWNERSHIP OF SOLID WASTE.

All solid waste collected by the public works department shall become the property of the city upon collection. (Code 1969, §22 1/2-2; Ord. No. 1978-8; Ord. No. 2000-9)

15-3 RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF SOLID WASTE COLLECTION.

a. The administration and enforcement of the provisions of this chapter shall be the duty of the public works director. The public works director, with the approval of the city adminis-

trator, shall have the authority to make regulations concerning the days of collection, establishment of collection fees, location of residential or commercial solid waste receptacles, and such other matters pertaining to the collection, conveyance, and disposals as it shall find necessary, and to change and modify the same; provided, that such regulations shall not be contrary to the provisions of this chapter.

b. All collection fee schedules and any amendments thereto shall be submitted to city council for approval and adoption. The city council shall have the authority to alter, increase, decrease or delete fees at any time.

c. It shall be unlawful for any person, business, or entity to use receptacles or utilize city solid waste services for which such person, business, institution or entity has not paid the applicable established fee or fees.
(Code 1969, §22 1/2-3; Ord. No. 1978-8; Ord. No. 1993-10; Ord. No. 2000-9)

15-4 CITY INERT DISPOSAL SITE.

The maintenance of the city inert disposal site shall be under the direction of the public works department. This site is closed. No person shall dump any solid waste at this site or enter property without permission of the city. (Code 1969, §22 1/2-10; Ord. No. 1978-8; Ord. No. 2000-9)

15-5 PRECOLLECTION REGULATIONS.

15-5.1 Separation and Preparation of Solid Wastes. All solid waste approved to be collected by the city must be separated and prepared according to the instructions in the comprehensive solid waste management brochure approved by city council. Solid waste not collected by the city shall be disposed of as required by the South Carolina Department of Health and Environmental Control. Solid waste not collected by the city includes explosives or

inflammable materials, acids, caustics and rapid oxidizers, medical waste, human waste, wooden pallets or crates and tires. (Code 1969, §22 1/2-21; Ord. No. 1978-8; Ord. 3/1/83, All; Ord. No. 2000-9)

15-5.2 Residential and Commercial Garbage Receptacles; Required; Service and Location; Fees; Maintenance; Sufficient Storage Capacity; Replacement; Prohibited Receptacles; Exception.

a. *Required.* It shall be the duty of every person owning, managing, leasing or occupying any dwelling or operating any premise in the city to use approved residential or commercial garbage receptacles for the deposit of all garbage and other solid waste as specified herein. Optional recycle bins shall be provided by the public works department to any residential customer wishing to participate in the curbside recycling program as specified in the comprehensive solid waste management program.

b. *Service and Location.*

1. Residential garbage collection service and recycling service shall begin at 7:00 a.m. All residential garbage receptacles and recycle bins must be placed at the collection point curb by this time on the day of collection. Residential receptacles or recycle bins not placed at the collection point when the collection vehicle passes, will not be collected until the next scheduled collection day. The residential garbage receptacle and recycle bin can be placed at the collection point no earlier than 4:00 p.m. on the day prior to collection and removed no later than 8:00 a.m. on the day following collection.

2. Residential yard trash and yard rubbish shall be placed at the curb by 7:00 a.m. on the scheduled day of collection. Unobstructed access to yard trash and yard rubbish shall be provided. Any yard trash and yard rubbish not at the curb when collection equipment passes or is inaccessible will not be collected until the next scheduled collection day.

3. Commercial garbage service shall be provided on a frequency agreed to by the

customer and the public works department. Unobstructed access to commercial garbage receptacle(s) shall be provided at all times. Any commercial garbage receptacle not accessible when collection equipment arrives will not be collected until the next scheduled collection.

c. *Fees.*

1. There is hereby imposed on each home, residence, apartment unit, or dwelling unit within the city, a charge for residential garbage collection as set by city council. For purposes of this section, each dwelling unit within a multi-family or apartment complex, duplex, etc. shall be considered a single customer and treated as a single family dwelling without regard to the method of collection. The city reserves the right to determine the method of collection and type of receptacles to be used for residential customers. The fee for residential garbage collection shall consist of a basic charge per month as set by city council. Where the volume of garbage generated weekly exceeds the capacity of one (1) residential garbage receptacle, there shall be an additional charge per month set by city council per additional residential garbage collection receptacle required.

2. There is hereby imposed upon each place of business, industry, or other commercial enterprise ("commercial customer") within the city, a charge for garbage collection. For the purposes of this section, a commercial customer is a business, industry or other commercial enterprise having a separate business license and occupying separate premises. The fee charged for garbage collection will consist of a basic charge per month as set by city council multiplied by the number of residential or commercial garbage receptacles provided multiplied by the frequency of weekly collections. Commercial garbage collection service may be provided by a private contractor licensed to operate inside the city provided that the service provided complies with all applicable city, state and federal regulations. City council may elect to waive a portion of the fee imposed on any commercial customer utilizing a private contractor for garbage collection.

3. All fees for residential and commercial garbage collection including special solid waste collections will be added to the customer's account with the department of public utilities and be due and payable simultaneously with the charges for the other services on the account. Should the customer not have an open account with the department of public utilities, an account for garbage collection fees will be set up and the monthly fees on this account will be due and payable upon the receipt of the bill.

d. *Maintenance.* Every receptacle required by this chapter shall be maintained in a sanitary condition and shall be thoroughly cleaned as needed by washing, sterilizing or otherwise by the user thereof.

e. *Sufficient Storage Capacity.* Preventing site littering. All residential or commercial receptacles shall be of a sufficient number and storage capacity to adequately store any and all approved solid waste between times of service by the city. All garbage or trash must be promptly and properly disposed of in accordance with these regulations. Scattered garbage or trash (litter) on any property inside the city shall be collected and disposed of in accordance with these regulations.

f. *Replacement.* Residential and commercial receptacles remain the property of the City of Orangeburg for use of the persons to which they are issued. Persons who damage receptacles, issued or used by them, through neglect as determined by the public works department shall pay for repairing these receptacles or purchase replacements from the city. Receptacles that are damaged through normal use as a result of being emptied by city forces will be repaired or replaced at city expense. If a customer moves, the receptacle shall remain at the assigned collection point. The theft of a receptacle shall be immediately reported to the public works department.

g. *Prohibited Receptacles.* Prohibited residential or commercial receptacles shall include any receptacle other than a city issued receptacle.

h. *Exception.* Exceptions to this section may be made by the public works director provided

such exception shall not be contrary to the spirit of this section. (Code 1969, §22 1/2-23; Ord. 3/1/83, AII; Ord. No. 2000-9)

15-5.3 Scavenging Around Prohibited. It shall be unlawful to molest, remove, handle or otherwise disturb the receptacle or other materials which have been placed or stored for servicing by the public works department; provided that this paragraph does not apply to the owner, occupant, lessee or tenant of the residence, dwelling or business establishment from which the receptacle and contents or materials are removed. (Code 1969, §22 1/2-24; Ord. No. 1978-8; Ord. No. 2000-9)

15-6 COLLECTION REGULATIONS.

15-6.1 Availability and Extent of Service. Except in cases of emergencies or circumstances over which the department of public works has no control, the department of public works shall collect, remove and dispose of solid wastes in the city as specified in the city's comprehensive solid waste program. The public works department shall make available to each customer a brochure containing the comprehensive solid waste program procedures.

a. *Exception Policy; Physical Handicaps.* The city recognizes that some residents, because of the infirmities of age or physical handicap, may be unable to roll the receptacle from the backyard to the curb on collection day. The city, therefore, shall use the following procedures for providing special service to those residents. Any resident unable to roll the receptacle to the curb on regular collection days because of a physical disability should complete an application provided by the public works department for backyard garbage service.

After a backyard garbage service application is completed, an exception may be granted when the following criteria have been met:

1. The public works department determines that there is no person in the household, either adult or minor, who is physically capable of rolling the receptacle to the curb.

2. The public works department determines that there is no neighbor or relative not living in the household, who normally assists the resident because of the physical disability, who is able or willing to assist the resident in rolling the receptacle to the curb.

b. *Exception Granted; Physical Handicap.* When an exception is granted for special receptacle pickup, the following rules will apply:

1. The resident will use the receptacle to store garbage and yard rubbish collections where applicable. Otherwise yard rubbish should be placed beside the receptacle.

2. On the day of the collection the collector will roll the receptacle from behind the resident's house to the curb for dumping, and return the receptacle to the backyard.

c. Exceptions will not be granted for any reason other than physical disability. (Code 1969, §22 1/2-36; Ord. No. 1978-8; Ord. 3/1/83, AIII; Ord. No. 2000-9)

15-6.2 Special Collections. Special solid waste collection services not provided for, above and out of the ordinary collection procedures, may be provided for residential or commercial customers when available as determined by the public works director. The city may charge rates commensurate with the work and equipment involved as determined by the public works director. Any landfill charges will be included with fifteen (15%) percent added for administration and handling. (Code 1969, §22 1/2-37; Ord. No. 1978-8; Ord. No. 2000-9)

15-6.3 Waste Not Collected by the City.

a. Individual trash items shall not exceed four (4) feet in diameter, ten (10) feet in length, or two hundred (200) pounds in weight. The quantity to be picked up may be limited at the discretion of the public works director.

b. Solid waste generated by contractors for new construction or remodeling, new or replacement landscaping and tree trimming or removal shall be removed by the companies performing the service and shall not be the responsibility of the city.

c. The removal of solid waste generated by the clean-up of rental property either prior to renting of property or after tenant vacates property is the responsibility of the landlord and shall not be the responsibility of the city.

d. Building materials.

e. Industrial wastes shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same.

f. Waste from a general lot clearance.

g. Any solid waste not generated inside the city shall not be brought inside the city for disposal or collection.

h. Exceptions to this section may be approved by the public works director provided such exception shall not be contrary to the spirit of this section.

i. All noncollected solid waste shall be removed promptly and shall not be stored in any location where waste may be blown or otherwise dispersed beyond the storage site. (Code 1969, §22 1/2-38; Ord. No. 1978-8; Ord. No. 1992-2; Ord. No. 2000-9)

15-6.4 Severability of Provisions. The constitutionality of this chapter is not affected if a specific section or paragraph is found unconstitutional. (Code 1969, §22 1/2-39; Ord. No. 1978-8; Ord. No. 2000-9)

15-6.5 Penalties.

a. A violation of this section shall be punishable by a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a term not exceeding thirty (30) days or both; and

b. The business license of any violator may be revoked in accordance with Section 7-2.19 of the Code of Ordinances for the City of Orangeburg. (Code 1969, §22 1/2-40, Ord. No. 1978-8; Ord. No. 2000-9)