

## ORDINANCE

**AN ORDINANCE TO AMEND CHAPTER 30, SOLID WASTE MANAGEMENT, OF THE CODE OF ORDINANCES FOR THE CITY OF SIMPSONVILLE IN ORDER TO UPDATE CURRENT PUBLIC WORKS OPERATIONS AS THEY RELATE TO THE COLLECTION OF SOLID WASTE BY THE CITY; AND TO MAKE OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, The City of Simpsonville has adopted a Solid Waste Management Ordinance; and

**WHEREAS**, the City has recently determined to engage an independent contractor to pick up residential solid waste; and

**WHEREAS**, the City must update the Solid Waste Management ordinance to reflect changes in the delivery of this service;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:**

Section 1: That Chapter 30, Solid Waste Management, be amended as shown on the document attached hereto entitled: **SOLID WASTE MANAGEMENT**, that is hereby adopted and made part hereof as if fully set out in this ordinance.

Section 2. Authorization. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 5. Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or amended as stated in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Effective Date of the Ordinance. This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

**DONE in Regular Meeting duly assembled this \_\_\_\_\_ day of \_\_\_\_\_ 2016.**

SIGNATURE OF MAYOR:

\_\_\_\_\_  
Janice S. Curtis

ATTEST:

\_\_\_\_\_  
Phyllis Long  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David W. Holmes  
City Attorney

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

## Chapter 30

### **SOLID WASTE MANAGEMENT\***

• **Cross references** – Report of dead animals and fowl, § 6-5; buildings and building regulations, ch. 8; environment, ch. 18; utilities, ch. 36.

• **State law reference** - Collection of garbage, S.C. Code 1976, § 44-55-1010 et seq.

#### **Article I. In General**

Sec. 30-1. Definitions.

Sec. 30-2. Interference with receptacles or contents.

Sec. 30-3. Littering prohibited.

Sec. 30-4. Duty of business owners; occupants.

Secs. 30-5 – 30-40 Reserved.

#### **Article II. Collection**

Sec. 30-41. General provisions for residential pickup.

Sec. 30-42. Accessibility of receptacles.

Sec. 30-43. Collection of tree limbs, cuttings, shrubbery, leaves.

Sec. 30-44. Containers, commercial and residential.

Sec. 30-45. Frequency of collection.

Sec. 30-46. Penalty for violation of article.

### **ARTICLE I. IN GENERAL**

#### **Sec. 30-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garbage* means organic waste matter, both animal and vegetable, being comprised chiefly of waste food.

*Hauler* means City or its designated vendor contracted to collect garbage, recycling, yard waste and refuse exclusively for the City.

*Refuse* means waste material other than garbage.

*Solid Waste* means those waste materials that are garbage, refuse or yard waste generated within the city limits but shall not include hazardous waste.

*Yard Waste* means tree limbs, cuttings, shrubbery, bagged grass and bagged leaves, exclusive of loose leaves and grass.

*Electronic Waste* means computers, computer monitor, keyboards, televisions (any technology), fax machines, printers, photocopiers, VCRs/DVDs or the like, stereos, home and office phones, cell phones, and consumer electronics.

*Unit* means residential or commercial property with one container.

(Code 1995, § 30-1)

**Cross reference** - Definitions generally, § 1-2.

### **Sec. 30-2. Interference with receptacles or contents.**

It shall be unlawful for any person to interfere with the receptacles or containers or the contents thereof set out for removal by private individuals or by the city without permission of the city.

(Code 1995, § 30-2)

### **Sec. 30-3. Littering prohibited.**

(a) No person on public or private property within the city limits shall litter by throwing or dropping, or allowing or causing to be thrown or dropped, any item, such as any glass in any shape or form, cans, nails, brick, pieces of iron, sticks, paper products, plastic containers, liquid, or trash of any kind, or by unloading or dumping any refuse onto any area not authorized for refuse disposal.

(b) It shall be unlawful for any person or responsible party to fail to provide receptacles (which are in conformance with city regulations providing for litter and trash removal) for the containment of litter and trash generated within or upon their premises or to allow litter or trash from such receptacles to overflow the container, be carried away by the elements, or otherwise scattered or dispersed about the premises.

(c) The owner or occupant of private property is responsible to keep the property free from litter. Failure to do so shall be a violation of this section.

(d) It shall be unlawful for the owner or contractor at a construction site to:

(1) Permit garbage, rubbish, paper, building materials, or other solid waste to be blown or washed away from the construction site onto public or private property.

(2) Fail to secure all construction material in such manner as to prevent the same from being carried away by the elements from the construction site onto public property or the private property of others.

(e) No person shall drive or move, or allow to be driven or moved, any motor vehicle within the city unless such vehicle is so constructed or loaded to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or public property or the private property of others. No person shall drive or move, or allow to be driven or moved, any motor vehicle, the wheels or tires of which carry onto or deposit on any street, alley, or private property, mud, dirt, sand, debris, gasoline, oil, grease, sticky substances, litter or foreign matter of any kind.

(f) Any person in violation of this section shall be guilty of a misdemeanor.

(Ord. No. 95-05, § 30-3, 6-13-1995)

#### **Sec. 30-4. Duty of business owners; occupants.**

(a) *Generally.* The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep the premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on the premises and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises. Prior to disposal, all cardboard boxes shall be broken down and flattened.

(b) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customers and employees of such businesses where articles of waste referred to in subsection (a) of this section may be disposed of, and such waste collected shall be disposed of in accordance with the provisions of article II of this chapter.

(Code 1995, § 30-4)

#### **Secs. 30-5 – 30-40. Reserved**

### **ARTICLE II. COLLECTION**

#### **Sec. 30-41. General provisions for residential pickup.**

All single-family residences in the city shall use containers provided by the Hauler or otherwise approved by the Hauler for the disposal of normal household garbage and refuse. No other container will be serviced by the Hauler. The occupant either owns an approved container or one will be provided by the Hauler. If a resident owned container requires repair, the resident will repair the container or can have the container replaced with a Hauler owned container. The Hauler will remove the resident owned container and the Hauler at its discretion may retain the container. The designated Hauler will repair only Hauler owned containers. The resident and business, regardless of whether he is the owner or lessee at the residence, shall be responsible for basic care of their container and replacement of any stolen, damaged or abused container. The container must not contain dirt, rocks, leaves, pine needles, grass clippings, waste oil, lead acid batteries, tires, electronic waste, building, any chemical liquid (paint, thinners, anti-freeze, etc.) or like materials.

(Code 1995, § 30-36)

**Sec. 30-42. Accessibility of receptacles.**

All garbage and refuse receptacles must be brought to the public street curb or ditch line of the residence adjacent to a driveway on designated days, before 7:00 a.m. on the scheduled collection day, in order to ensure collection, and removed from the curb or ditch line before 8:00 PM of the scheduled collection day. Containers will not be emptied if they are not located such that they are accessible and meet the Solid Waste Operations Policy.

(Code 1995, § 30-37)

**Sec. 30-43. Collection of tree limbs, cuttings, shrubbery, leaves.**

Tree limbs, cuttings, shrubbery, etc., from normal pruning/trimming will be collected on a weekly basis, provided that such limbs, cuttings, shrubbery, etc., are placed on the front of the owner's or tenant's property nearest the street or public alley. Only bagged leaves and grass will be collected by the Hauler. Only branches and tree limbs, cuttings, shrubbery, etc. that meet the Solid Waste Operations Policy will be removed by the Hauler. Refuse from house or building repairs or new construction shall not be picked up by the Hauler. Removal of extra items is pursuant to a negotiated price between the Customer and Hauler.

(Code 1995, § 30-38; Ord. No. 95-06, § 30-38, 6-13-1995)

**Sec. 30-44. Containers; commercial and residential.**

(a) The owner or tenant of any residence, business or commercial establishment shall request from Hauler such containers as are necessary for the storage of garbage and waste matter in accordance with the Solid Waste Operations Policy. The owner or tenant shall be responsible for the maintenance and upkeep of their containers.

(b) A business identified in subsection (a) of this section may not have more than two waste containers. A business generating more waste than can be contained in two Hauler approved containers shall contract with the Hauler or a private service at a negotiated price.

(c) A residence may have no more than two waste containers.

(Code 1996, § 30-39; Ord. No. 95-10, § 30-39, 6-27-1995; Ord. No. 96-01, § 30-39(b), 1-9-1996)

**Sec. 30-45. Frequency of collection.**

(a) The Hauler shall collect and remove authorized garbage and waste matter from any business or commercial establishment using a Hauler approved container at such times and intervals as are deemed best for the health and sanitation of the community but no less than once per week.

(b) The Hauler shall collect and remove authorized garbage and waste matter from residents using a Hauler approved container once per week.

(c) Additional collection services shall be provided, if requested, as follows:

- (1) Tires will not be collected by the Hauler. Those residences and businesses accumulating used tires must dispose of their own tires.
- (2) Electronic waste will not be collected by the Hauler. Electronic waste must be disposed of at an approved electronic waste recycling center or vendor.
- (3) Businesses which use Hauler approved waste containers must furnish the City with any information that may be requested by the county in connection with the disposal of waste.

(Code 1995, § 30-40)

**Sec. 30-46. Penalty for violation of article.**

Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with section 1-9.

(Code 1995, § 30-41)