

**CHAPTER 7.  
SANITATION AND ENVIRONMENTAL CONTROL**

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**7.10. Garbage and Rubbish**

**7.11. Definitions.** For the purposes of this chapter, the following words and phrases have the meanings given them in this section.

7.11.1. **Garbage** means organic waste resulting from the preparation of food and decayed and spoiled food from any source.

7.11.2. **Refuse** includes garbage and rubbish.

7.11.3. **Rubbish** means inorganic solid waste such as tin cans, glass, paper, ashes, sweepings, etc.

7.11.4. **Service** means having available the right to use garbage collections of the City or its contractual agent, whether or not the facilities are, in fact, used.

7.11.5. **Reserved.**

7.11.6. **Recyclable Materials** means separately sorted, the following items:

- a. All paper products
- b. Newspapers
- c. Magazines
- d. Tin cans and metal items
- e. Aluminum cans and scrap aluminum
- f. Clear glass, bottle grade only
- g. Brown glass, bottle grade only
- h. Green glass, bottle grade only
- i. Commingled plastics bearing recycle numbers 1, 2, 3, 5, and 7
- j. Cardboard
- k. Paperboard
- l. Clothing
- m. Other items identified by Lincoln County as recyclable refuse

7.11.7. **Yard Waste** means branches, leaves, grass, flowers, or other vegetative materials from the yard or garden.

7.11.8. **Prohibited Material** means all those items which, by city, county, state, or federal regulation are prohibited from being placed in a landfill and include items which, by law, are required to go to a hazardous waste disposal site or a compost site. Prohibited materials include yard waste, garden waste, paints, oils, thinners, fertilizers, pesticides, automobile batteries, fluorescent tubes, and other items which may from time to time be prohibited by landfill regulations.

7.11.9. **Waste Material** means refuse, recyclable materials, yard waste and prohibited materials.

## 7.12. **General Regulations..**

7.12.1. **Unauthorized Accumulation.** Any unauthorized accumulation of waste material on

any premises is a nuisance and prohibited.

7.12.2. **Waste Material in Streets, Etc.** No person shall place any waste material in any street, alley, or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.

7.12.3. **Scattering of Waste Material.** No person shall deposit anywhere within the city any waste material in such manner that it may be carried or deposited by the elements upon any public or private premises within the city.

7.12.4. **Burying of Waste Material; Composting.** No person shall bury any refuse in the city except in an approved sanitary landfill, but leaves, grass, clippings, and easily biodegradable, non-poisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may be composted only in a rodent-proof structure and in an otherwise sanitary manner.

7.12.5. **Unauthorized Use of Containers.** No person shall utilize any facility or container to dispose of refuse unless either the facility or container is owned by the person making the deposit or the person depositing the refuse in the container or facility has obtained the prior permission to utilize such facility or container from the owner.

7.12.6. **Tree Dump.** The City, from time to time, may make available to citizens of the City of Tyler an area or location for the composting or depositing of yard waste. The availability of this area or facility shall be in accordance with such regulations, rules, and procedures as shall be adopted by the City Council by resolution from time to time. The area shall be designated as the tree dump site and may accept such yard waste as the city may authorize by resolution.

7.12.6.1. **Unauthorized Use.** No person shall utilize the tree dump site for any purpose other than the delivery of yard waste, as defined herein. It shall be specifically unlawful and improper to deposit, leave, abandon, dispose of: demolition materials, used construction materials, garbage, rubbish, refuse, or recyclable materials at the tree dump site. All prohibited materials as defined in Section 7.11.8 are prohibited from being deposited, left, abandoned, or disposed of at the tree dump site.

7.12.6.2. **Repair Costs.** Any person found to have violated the provisions of this Section shall be responsible, in addition to criminal penalties, for the costs of clean up and abatement of the condition created by their actions.

7.13. **Disposal Required.** Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon property owned or occupied by him. Garbage shall be collected, or otherwise

lawfully disposed of, at least once each week.

#### **7.14. Containers.**

**7.14.1. General Requirements.** Every householder, occupant, or owner of any residence and any restaurant, industrial establishment, or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections. All normal accumulations of refuse shall be deposited in such containers. Yard waste including leaves, trimmings from shrubs, grass clippings, shavings, excelsior, and other rubbish of similar volume and weight may be stored in other closed containers.

**7.14.2 Container Requirements.** Each container shall be water-tight, shall be impervious to insects, flies, and rodents, and shall not exceed 32 gallons in capacity, except that any commercial or business establishment having refuse may provide bulk or box-type refuse storage containers of a type approved by the City. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City.

#### **7.14.3. Placement.**

**7.14.3.1.** On the date identified for garbage collection services for the particular property involved, the container or bags shall be placed either in the alley or at the curb, as directed by the City. Containers for pick up shall not exceed 32 gallons in size or 40 pounds in weight when filled.

**7.14.3.2.** The resident shall not place any material defined as Prohibited Material for collection by the City. The resident shall not place any yard waste or garden waste for collection by the City. Yard waste may be disposed of at the city burn site by the owner during normal hours of operation.

**7.14.4. Use of Containers.** Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers. Refuse to be disposed of pursuant to this chapter does not include Prohibited Material, used furniture, appliances, tires, construction debris, used cars, or other similar items. Such refuse must be disposed of, however, and special arrangements in addition to the charges imposed by this ordinance must be made by the resident and the City.

7.14.5. **Charges.** Charges for refuse services shall be set by the City Council from time to time by ordinance or resolution.

7.15. **Service Rates and Charges.**

7.15.1. **Service Mandatory.** All residential dwellings, units, houses, or structures are responsible for a monthly garbage charge. The City has made available service to all such residential facilities and the owner or occupant of the same is deemed to be served by garbage service provided by the City or the City's City.

7.15.2. **Schedule.** The owner or occupant of any premises served by the city shall pay to the city a service charge assessed by the City as set by resolution of the City Council from time to time.

7.15.3. **Billing.** The service charge shall be made to the owner or occupant of each residential building or housing unit served. If the building is served by city water or sewer, the refuse collection charge shall be paid as a separate entry on the monthly utility billing for water or sewer service. If the premises are not so served, the refuse collection charge shall be separately paid to the City.

7.15.4. **Payment.** Service charges shall be payable at the same time as bills for utility service and subject to the same conditions of payment. If any charge is unpaid on September 1 of any year, the council shall levy an assessment equal to the unpaid charge as of that date plus interest from that date. The City Administrator shall certify the assessment to the county auditor for collection in the same manner as assessments for local improvements.

7.15.5. **Deposit.** Any monies deposited with the City, whether they shall be identified as a meter deposit, sewer deposit, garbage deposit, or utility deposit shall be subject to retention by the City in the event that charges for water, sewer, or garbage service are not paid.

7.15.6. **Fund.** All service charges shall be deposited in the water fund.

7.16. **Refuse Collection Schedule.** Refuse shall be collected from premises at least weekly.

7.17.to 7.20. **Reserved.**

7.21. **Hand Bills.** No person shall be allowed to post handbills on any building or structure within the City limits.

7.22.1. **Exemptions.** Persons receiving permission from the owner of the building or structure are exempt from section 7.21.

7.23 -7.29. **Reserved.**

7.30. **Storage of Materials.** Storage of deteriorated building supplies, weeds and other refuse. No person shall be allowed to store partially deteriorated lumber, building supplies of any sort within the city limits unless materials are stored within a structure having a concrete floor and which structure shall be completely inaccessible to animals of any type. No person shall allow weeds to grow upon their property or other refuse of any sort to be stored upon their property in such a manner as to allow said property to become a habitat for rats or a general health hazard or a nuisance.

7.31. **Violation.** Not less than 30 days after effective notice of a violation of this statute, which notice shall be sent by certified mail (return receipt requested) to the last known address of the offender, or by publication in the event of the inability to serve notice in the aforementioned manner, such publication to occur once in the legal City newspaper, if such violation is not corrected, the Council of Tyler may authorize such offense corrected and any costs therewith shall be assessed against such property owners or other offenders, such assessment to be a lien against the affected property until paid.

7.32-7.39. **Reserved.**

7.40. **Littering.** No person shall discard, throw, deposit, place, dump, or leave or cause to be discarded, thrown, deposited, placed, dumped, or left, upon any public street, highway, or public or privately owned land in the City of Tyler any glass, glass bottles, cans, plastic, debris, nails, tacks, wire, garbage, swill, papers, ashes, refuse, trash, or rubbish.

7.41. **Accumulations.** No person shall permit any accumulation or the discarding, throwing, depositing, placing, dumping, or leaving of any of the items set forth in section 7.40 upon their premises except in a container suitable for collection by sanitation officials.

7.42- 7.50. **Reserved.**

7.51. **Abandoned Property.** All property lawfully coming into the possession of the City shall be disposed of as provided in this Section:

7.51.01. **Storage.** The department of the City acquiring possession of the property shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

7.51.02. **Claim by Owner.** The owner may claim the property by exhibiting

satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

7.51.03. **Sale.** If the property remains unclaimed in the possession of the City for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the chief of police of the City after two weeks' published notice setting forth the time and place of the sale and the property to be sold.

7.51.04. **Disposition of Proceeds.** The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

7.52. **Penalty.** Any person violating the provisions of this Chapter is guilty of a petty misdemeanor, and upon conviction therefore, shall be sentenced to a fine of not more than \$100.00. Any person violating the provisions of this Chapter within 365 days of a prior offense shall be guilty of a misdemeanor. Any person who interferes with a City employee or other authorized person in the performance of any service authorized under this Chapter hereof shall be guilty of a misdemeanor. Such penalties may be imposed in addition to revocation or suspension of license and in addition to the abatement of any nuisance found to exist as the result of any garbage or rubbish.

