

ORDINANCE 2025 - 02

**AN ORDINANCE TO REPEAL AND REPLACE IN ITS ENTIRETY ARTICLE III
SOLID WASTE DISPOSAL SECTIONS 11:40-48 WITH SECTIONS 11: 40-56 AND
ARTICLE IV, SECTION 12:1-5 DECLARATION OF POLICY AND AUTHORITY.**

NOW THEREFORE the City Council of the City of New Ellenton adopts a new Article III and IV with Sections 11 and 12 respectively for Solid Waste Disposal and Service Charges as follows:

Article III, Section 11: 40-56 and Article IV, Section 12: 1-5

- a) Solid Waste Disposal and Refuse Charges Ordinance in Exhibit A attached hereto as if fully set forth herein is hereby adopted;
- b) The Declaration of Policy and Authority attached hereto as if fully set forth herein are hereby adopted and ordained by this Ordinance.

DONE IN COUNCIL duly assembled this 16th day of June 2025.

Attest:

Maria Tamimi-Bush, City Clerk

First Reading: May 19, 2025

Second Reading: June 16, 2025


Mayor


Council Member


Council Member


Council Member


Council Member


Council Member


Council Member

Exhibit A

ARTICLE III. SOLID WASTE DISPOSAL

Definitions.

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

Ashes means the cold residue from the burning of wood, coal, coke or other combustible materials.

Biomedical Waste shall mean pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated.

Bulky Waste means discarded items that are larger than three (3) feet in any dimension limited to items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, sofas, chairs, tables, carpets and other similar items and/or heavier than fifty (50) pounds in weight, and/or otherwise will not fit within an empty Cart, thus too large or too bulky to be collected by Contractor including but not limited to items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, sofas, chairs, tables, carpets and other similar items.

C&D Materials means waste building materials and rubble, excluding Hazardous Waste, resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, wood, bricks, metal, concrete, wall board, paper, cardboard, carpeting, construction materials resulting from remodeling, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

Cart means a rollout receptacle for Residential Solid Waste with a capacity of 95 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight-fitting lid.

Curbside means the location that is within at least four (4) feet of the curb, paved surface of the public road, closest accessible public right-of-way, or other such location that will provide a safe and efficient accessibility to the Contractor's personnel and vehicles for the placement of Carts for collection.

Customer means the owner and/or occupant of a Residential or Commercial Premises.

Disabled Person means the owner of Residential Premises who is disabled to the extent that he or she is incapable of placing his or her Cart at the Curbside location for collection. Disabled Person shall not include any person located at commercial premises.

Commercial container means a metal container approved by the city.

Garbage means non-Hazardous solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other farm products.

Hazardous Waste means any and all (a) hazardous substances, pollutants, and contaminants, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, solid or hazardous wastes, as defined by the Resource Conservation and Recovery Act, as amended, hazardous materials, as defined by the Resource Conservation and Recovery Act, as amended, hazardous materials, as defined by the Hazardous Materials Transportation Act, as amended, toxic substances, as defined by the Toxic Substances Control Act, as amended, toxic chemicals or extremely hazardous substances, as defined by the Emergency Planning and Community Right-To-Know Act, as amended, hazardous air pollutants, as defined by the Clean Air Act, as amended, and hazardous substances, as defined by the Clean Water Act, as amended; (b) any other toxins, chemicals, wastes, substances, or materials which pose an unreasonable risk to human health or the environment, or which are regulated under any applicable federal, state, or local laws rules, or regulations, or any other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic, or dangerous, or otherwise ineligible for disposal at the intended disposal site utilized by Contractor; (c) any material that requires other than normal handling, storage, management, transfer or disposal; or (d) any other material that may present a substantial endangerment to public health or safety, may cause applicable air quality or water standards to be violated by the normal operation of the disposal site to be utilized by the Contractor, or because of its size, durability or composition cannot be disposed of at such disposal site or has a reasonable possibility of otherwise adversely affecting the operation or useful life of such disposal site.

Residential Solid Waste means all Garbage and Rubbish generated by a Residential Premises, excluding automobile parts, tires, C&D Materials, yard Trash, Bulky Waste, White Good, Hazardous Waste, or any Unacceptable Waste.

Rubbish means non-putrescible solid waste consisting of paper, rags, cardboard, cartons, wood, rubber, plastics, glass, crockery, metal cans or other such waste.

Special Waste means any and all treated/de characterized (formerly hazardous) wastes; polychlorinated biphenyl (PCB) wastes; industrial process wastes; asbestos containing material; chemical containing equipment; demolition debris; incinerator ash; medical wastes; off-spec chemicals; sludges; spill cleanup wastes; underground storage tank (UST) soils; and wastes from service industries.

Unacceptable Waste means (a) waste and materials that are not part of the Services contemplated hereunder as determined by Contractor, (b) Hazardous Waste, Biomedical Waste, Special Waste, tires, paints, paint solvents, unemptied aerosol cans, compressed gas cylinders, large engine parts, small engines containing oils or fuels, chemicals, large glass panes, large tree debris, stumps, ammunition of any type, dead animals larger than 10 pounds, and firearms, (c) waste of which the acceptance and handling by Contractor would cause a violation of any permit condition, legal or regulatory requirement, substantial damage to Contractor's vehicles, equipment or facilities, or present a substantial danger to the health or safety of the public or Contractor's employees, and (d) waste which is or may be prohibited from disposal at the applicable disposal site by local, federal or state law, regulation, rule, code, ordinance, order, permit or permit condition.

White Goods means household appliances such as refrigerators, stoves, washers, dryers, water heaters and other large, enameled appliances, which do not container PCB or CFC units and have been officially certified to that effect, and in the case of freezers and refrigerators, which have had the doors removed.

Yard Trash means leaves, brush, grass clippings, shrub and tree pruning's, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance conducted by the owner of their Residential Premises; any mining, agricultural, and silvicultural operations excluded. The term yard trash does not include stumps, roots, or shrubs with intact root balls, construction materials of any kind and specifically excludes all wood that has been treated or preserved with chromated copper arsenate (CCA), pentachlorophenol, or other chemicals which have been classified as known human carcinogens by the United States Environmental Protection Agency.

Sec. 11-40. Collection by City; promulgation of regulations.

- (a) All refuse accumulated in the city shall be collected, conveyed and disposed of by the city or designated contractor, under the supervision of the administrator.
- (b) The administrator shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such matters pertaining to the collection, conveyance and disposal as he/she shall find necessary and to change and modify same, provided that such regulations are not contrary to the

provisions hereof. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulations so promulgated and approved.

- (c) No person, other than those under the direction of the administrator, shall haul or remove any refuse set out for collection as provided for in this article, except by written consent of the administrator.

Sec. 11-41. Days of collection established.

The city shall collect residential garbage, based upon a schedule as prepared by the administrator and (when required) with the contractor of choice.

Sec. 11-42. Residential pickup procedures.

Accumulations of refuse shall be placed in a roll-a-waste containers (carts) and placed at curbside no earlier than 7 pm on the evening prior to the designated collection day and shall be removed from the curbside by 7 pm on such designated collection.

Sec. 11.43. Number of Carts

Each residence shall be provided with one cart. Additional containers will be provided, upon the demonstrated need for such containers, for an additional fee for each additional container.

Sec. 11.44. Use and maintenance of carts; prohibitions.

- (a) The containers shall not be used for purposes other than the storage of refuse which is noncombustible.
- (b) The deposit of poisons, acids, caustics, explosives, soils, construction materials, furniture or any other materials which would cause damage to the containers or the mechanical lifting devices on collection vehicles is prohibited.
- (c) Writing, marking, cutting, painting or any abusive treatment of such containers is prohibited.

Sec. 11.45. Commercial and industrial containers.

- (a) Properly sized commercial containers for refuse collection, as may be designated by the sanitation department, shall be provided by the owner of all commercial and industrial establishments. These also shall include businesses, schools, churches, clubs, eleemosynary institutions, clinics or any other locations where the use of such containers is considered to be advantageous to the general welfare of the city for reasons of health, sanitation, economy or appearance.

- (b) A commercial or industrial establishment may be allowed by the sanitation department to make use of roll-a-waste containers for refuse collection. In such case, they shall be governed by the rules for residential collection.

Sec. 11.46. Use and maintenance of containers.

Those persons generating large objects of refuse shall be required to first reduce the size of such objects before placing them in the commercial container or roll-a-waste container for disposal. Large objects shall include, but not be limited to, cardboard boxes, paper containers, wooden boxes and crates and other such objects larger than 18 inches in width or depth and 18 inches in height. It shall be unlawful for the containers to remain open except while being serviced. Users of containers shall be responsible for keeping containers closed. It shall be unlawful to burn refuse in commercial or roll-a-waste containers. Roll-a-waste containers shall be placed at curbside to be emptied, unless a waiver of this requirement, for medical reasons, has been granted by the city administrator.

Sec. 11.47. Damaged Containers.

The replacement cost of any cart found to be damaged due to placing unauthorized objects into said container or through neglect of user, shall be charged to said user.

Sec. 11.48. Unauthorized use of commercial containers, responsibility of user.

- (a) It shall be unlawful to place the following objects into commercial containers:

1. Tires
2. Building materials
3. Bed Springs
4. Box springs
5. Mattresses
6. Stoves
7. Refrigerators
8. Water heaters
9. Large furniture items
10. Poles
11. Hot ashes
12. Hazardous waste

- (b) It has been determined that the above objects cause damage to the packing mechanism of the garbage truck. It will be the responsibility of the users to ensure that none of the above objects are placed into commercial containers. It will also be the responsibility of the person or business that generates the objects in subsection (a) of this section to ensure that they are properly disposed of. The

administrator is authorized, upon the showing of special circumstances and conditions, to authorize a modification of the requirements contained in this section.

Sec. 11.49. Number of containers permitted.

Each user shall be limited to four containers. The administrator is authorized, upon the showing of special circumstances and conditions, to modify the limits contained in this section.

Sec. 11.50. Containers to be put out at time fixed.

It shall be the duty of each landlord, tenant or storekeeper to see that all refuse containers are set out at such time as may be fixed by the city.

Sec. 11.51. Interference with contents of containers

No person shall overhaul, molest or interfere with the contents of any container set out for removal, unless permission is granted by the city.

Sec. 11.52. Number of pickups.

The number of pickups shall be determined by the administrator and the garbage collection contractor.

Sec. 11.53. Dumping of garbage, etc.

No refuse or offensive or disease-producing material shall be dumped on any lot or space within the city for any purpose.

Sec. 11.54. Placing or sweeping trash, rubbish, etc. onto street or sidewalk.

- (a) It shall be unlawful for any person to put, place or throw any refuse, trash, house sweepings, paper cups, garbage, shavings or any other rubbish upon any sidewalk or in any public street, public alley or other public place except in containers of the type required by this article.
- (b) It shall be unlawful for any person to deposit in or sweep into any street, sidewalk, gutter or catch basin any refuse, paper, trash, rubbish, broken glass, tin cans, bottles, fruit or vegetable peelings or any other refuse, ashes or waste. Such materials shall be accumulated as hereinbefore specified and placed in containers as defined in section (11). Nor shall any householder or storekeeper, by himself or agent, cause to be swept from any house, yard, store or elsewhere, any dirt or refuse in or upon the sidewalks or public streets.

Sec. 11.55. Industrial and building materials and refuse.

No building materials or refuse from building operations or landscape contract work will be removed from any lot by the city. All large accumulations of glass, shavings or waste materials of any kind resulting from building operations or landscaping work shall be removed by the contractor in charge of such operation.

Sec. 11.56. Yard debris removal.

The city will remove regular (normal, weekly/monthly) yard debris under the following conditions:

- (a) Yard Debris (leaves and straw must be in bags weighing no more than 35 lbs).
- (b) Limbs (no bigger than 4 inches in diameter and no longer than 10 feet)

The city will not remove any of the following:

- (a) Glass
- (b) Rubber
- (c) Clothes
- (d) Furniture
- (e) Mattresses
- (f) Appliances
- (g) Carpet
- (h) Lumber
- (i) Construction materials

Yard debris and limbs will be picked up from any property in the city limits if it is on the front perimeter of the property and closest to the mailbox. The city has the right to refuse the pickup of debris if it is determined that the work was done by a contractor and left by the contractor for the city to pick up, or if the amount deems excessive (overhauling an entire yard, cutting down trees and pulling out bushes and leaving them out for the city to pick up may be deemed excessive).

Sec. 11.57-99 Reserved.

ARTICLE IV. REFUSE SERVICE CHARGES

Sec. 12.01. Levy and collection.

A special garbage and trash collection fee for the collection of refuse is hereby levied and shall be collected. In no event shall the special fee be waved.

Sec. 12.02. Roll-a-waste containers (Carts).

- (a) There is hereby established a special fee for use of roll-a-waste containers in the amount of \$15 per cart per month for residential customers and small business commercial customers.
- (b) In the case of shared containers, each residence or business shall be charged the minimum fee.

Sec. 12.03. Payment, when due.

The refuse special fee provided for in this article shall be due and payable under the same rules and regulations as are provided for the collection of utility bills and paid therewith.

Sec. 12.04. Applications for container for single-level housing facilities.

Single-level housing facilities containing more than two dwelling units may have refuse collected through the use of a commercial container or through the use of a roll-a-waste container. If the method chosen is a commercial container, the service charges shall be borne by the owner of the housing facility.

Sec. 12.05. Garbage fees to be collected with water and sewer bills through the CPW.

New residents and businesses must first apply for garbage services through the city offices. Garbage fees shall be collected with water and sewer bills sent to each customer through the contracted service agreement with the CPW (Commission of Public Works).