

ORDINANCE NO. 48-05

DUMPSTER ORDINANCE

AN ORDINANCE OF THE VILLAGE OF PLEAK REGULATING COMMERCIAL WASTE COLLECTION DEVICES BY PROVIDING FOR ENCLOSURES; PROVIDING DEFINITIONS; PROVIDING FOR PENALTIES.

WHEREAS, it has come to the city council's attention that commercial dumpster's, as a result of overflow, have trash and debris falling out of the dumpster that spreads onto public and private grounds in the public's view; and

WHEREAS, it is the city council's intention with this ordinance to promote the health, safety and welfare of persons and property, by regulating commercial dumpsters within the incorporated limits of the Village of Pleak;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE VILLAGE OF PLEAK, that the following ordinance is hereby adopted.

Section 1. Definitions

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

Commercial unit shall mean all premises, locations or entities, public or private, requiring garbage and trash collection within the corporate limits of the city not a residential unit and utilizing a dumpster or commercial waste collection device.

Commercial garbage hauler shall mean the person, corporation or partnership performing garbage and/or trash collection and disposal to any nonresidential customer in the city.

Dumpster or commercial waste collection device shall mean a receptacle with a minimum capacity of one-half cubic yard. The lid shall have a tight fit capable of preventing entrance into the container by vectors, it includes but is not limited to dumpsters.

Section 2. Requirement for commercial (nonresidential) addresses to have a commercial garbage hauler dispose of their garbage/refuse and to enclose or contain their dumpsters or commercial waste collection devices.

All commercial units shall be required to have an authorized commercial garbage hauler dispose of its garbage/refuse and each owner or tenant of any commercial unit shall be required to enclose or contain their dumpsters or commercial waste collection devices in order to prevent debris or overflow from spreading from the dumpster or commercial waste collection device. This shall be done by enclosing the commercial

dumpster or commercial waste collection device on three sides with a fence at least six feet in height. All enclosures shall be constructed of wood, masonry, metal, stone or other similar solid material. All sides of the fence shall be constructed of the same material and shall be the same color. All fences shall extend downward to within three inches of the ground and shall test plumb and square at all times. The enclosure shall also be provided with a gate made of solid wood, solid metal, chain link fence or other similar material and of sufficient size to allow access by a commercial garbage hauler. Existing commercial units shall comply with the enclosure requirements stated above no later than July 1, 2006.

Section 3. Penalty for violations of ordinance.

Any person convicted of a violation of any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed two thousand dollars (\$2000.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance or any law shall be deemed a public nuisance and may be abated by the city as provided by law.

Section 4. Adoption of ordinance.

This ordinance shall become effective upon its approval and passage.

PASSED by an affirmative vote of all members of the City Council this 21 day of December, 2005.

APPROVED:

Margie Krenek Mayor, Margie Krenek

ATTEST:

Ruth Elster
City Secretary, Ruth Elster