

## **ARTICLE IX. CONTROL OF SOLID WASTE AT CONSTRUCTION SITES**

**Sec. 14-901. Purpose.** The purpose of this article to require measures to prevent solid waste from being blown or washed off a construction site and onto adjacent properties or into the City's streets, drainage ditches, storm water sewers, and natural bodies of water within the City, in the interest of public peace, health, safety, morals, and general welfare and the protection of the environment.

**Sec. 14-902. Definitions.** As used in this Article, the following words and terms have the following meanings, unless the context clearly indicates otherwise.

*CERCLA* means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq.

*Construction/demolition material* means waste resulting from construction or demolition projects, including brick, concrete, concrete rubble, gypsum board, lumber, sheetrock, roofing materials, fixtures (such as bath tubs, shower stalls, sinks, and toilets), and remodeling debris (such as cabinets, ceramic tile, Formica, and similar items).

*Construction site owner* means the person who owns or leases the premises on which a construction activity that is regulated by this chapter is being conducted.

*Contractor* means the person has obtained a permit required by this chapter, and includes a builder, electrician, mechanical contractor, plumber, roofer, or other member of a construction trade. This definition includes subcontractors of the contractor and the employees of the contractor and subcontractors.

*Debris* means large waste materials, such as construction/demolition materials, ashes, roofing materials, dirt, automobile frames, tires, or other bulky heavy materials.

*Dumpster* means a container, which holds more than one (1) cubic yard, used to store solid waste until it is collected for disposal. The term also includes roll-on/roll-off containers that are used to transport solid waste on vehicle chassis.

*Garbage* means putrescible animal or vegetable matter, such as waste material and refuse usually associated with the preparation of food from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses, and boardinghouses, but does not include sewage, body waste, or industrial byproducts.

*Generator* means the person that creates a solid waste. For the purposes of this chapter, a construction or repair contractor or landscape or tree service is considered to be the generator of any solid waste that is produced by the contractor or service or results from the contractor's or service's work on the premises of a customer.

*Hazardous waste* means solid waste identified and listed as a hazardous waste by the Administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901, et seq.).

*Heavy brush* means tree and shrub limbs and trimmings, which are greater than 3 inches in diameter, tree trunks, root balls, and other large plant matter.

*Household appliance* means general household appliance that will not fit into a refuse receptacle including:

Non-metal appliance, such as a television set, stereo system, video cassette recorder (VCR), microwave oven, and other similar item constructed primarily of plastic or other non-metallic parts.

Metal appliance, such as a stove, cooking range, oven, dishwasher, washing machine, clothes dryer, refrigerator, window air conditioning unit, water heater, lawn mower or edger, and other similar items constructed primarily of metal parts.

*Litter* means any rubbish, paper, napkins, straws, cups or containers made of paper, plastic, Styrofoam (or other similar material), bottles, glass, wrappers, remnants of food, cans, or remnants of containers, or any material of an unsanitary nature.

*Refuse* means a mixture of garbage, rubbish, and other waste that are normally placed in a receptacle for collection and disposal, but does not include yard waste, heavy brush, debris, or construction/demolition materials. The term does include the containers and packaging materials for construction materials.

*Roll-on/roll-off container* means a bulk container that holds more than one (1) cubic yard used to collect and store solid waste that transported on a vehicle chassis for disposal.

Rubbish means non-decayable solid waste, excluding ashes, that consist of combustible materials, such as paper, rags, cartons, wood, rubber, plastics, and similar materials, and noncombustible matter, such as glass, crockery, metal cans, and similar materials that do not burn at ordinary incinerator temperatures.

*Solid waste* means garbage, rubbish, yard waste, heavy brush, debris, and construction/demolition materials.

*Yard waste* means grass clippings, weeds, leaves, mulch, small trees and shrub limbs, which are less than three (3) inches in diameter and less than five (5) feet in length, and other similar plant matter.

#### **Sec. 14-903. Receptacles required.**

Each contractor or construction site owner shall provide on the premises sufficient refuse receptacles to keep the construction site clean and to prevent litter or refuse from being blown off the construction site. The contractor or construction site owner shall furnish additional receptacles if needed to prevent as is necessary to contain the solid waste generated on the construction site.

#### **Sec. 14-904. Littering prohibited.**

(a) A contractor or construction site owner may not allow any litter or refuse to accumulate on the construction site except in a refuse receptacle.

(b) A contractor or construction site owner may not throw or allow any litter or refuse to blow upon or be washed into the streets, drainage ditches, or storm water sewers of the City; onto any adjacent property; or into any body of water within the City.

(c) It is a defense to prosecution that the contractor or construction site owner picked up any litter or refuse that accidentally blew or was washed into the street, a drainage ditch, storm water sewer, onto another's property, or a body of water and properly placed the litter or refuse into a receptacle.

**Sec. 14-905. Maintenance of cleanliness by contractor or construction site owner.**

(a) The contractor or construction site owner shall clean the construction site and remove all litter and refuse from the construction site and from any street or other premises to which litter from the construction site may have traveled, and place the litter in receptacles within thirty (30) minutes after end of any daily construction activities.

(b) It is the duty of the contractor or construction site owner to prevent any litter on the premises from being blown upon or being permitted to come to rest upon the streets of the City or upon any private property in the City.

**Sec. 14-906. Overflowing dumpsters prohibited.**

(a) The contractor or construction site owner, which contracts with a private waste disposal company, shall ensure that any dumpster used on the site is adequate to hold all of the solid waste generated or deposited on the site between scheduled pickups.

(b) If any material is illegally dumped next to a waste disposal dumpster, the contractor or construction site owner shall remove the illegally dumped materials and ensure that it is properly disposed of.

**Sec. 14-907. Requirement to correct health or safety hazards.**

(a) When notified by the Building Official or a code enforcement official that the overflows from any refuse receptacles or dumpster represents a health or safety hazard, the contractor or construction site owner shall immediately clean up the location, install additional refuse receptacles, or contract for a larger dumpster or more frequent pickup.

(b) It is a defense to prosecution for violation of this section, if the owner or operator enters into a new or amended contract with a private waste disposal company within ten (10) working days of the date of the notice from the director or code enforcement official.