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TOWN MANAGER**  
Phillip McDaniel

**TOWN CLERK**  
Dalton Larsen-Batten

**TOWN ATTORNEY**  
Alan "Chip" Hewett

**2024-024-O: AN ORDINANCE TO AMEND CHAPTER SIXTEEN OF THE CODE OF  
ORDINANCES OF THE TOWN OF SELMA**

**WHEREAS,** Town of Selma staff has initiated text amendments to Chapter Sixteen of the Town Code of Ordinances to amend ARTICLE VIII. GARBAGE AND REFUSE COLLECTION AND DISPOSAL; and

**WHEREAS,** On August 26, 2024, the Planning Board reviewed the amendments; the motion carried to recommend was unanimous; and

**WHEREAS,** On October 8, 2024, the Town Council reviewed the formal amendments and unanimously voted to approve all proposals as submitted.

**NOW, THEREFORE, BE IT ORDAINED THAT:**

Section. 1. The Town of Selma Code of Ordinance is hereby amended to read as follows:

**ARTICLE VIII. GARBAGE AND REFUSE COLLECTION AND DISPOSAL**

**Sec. 16-211. Definitions.**

For the purpose of this article, certain terms and words are defined as follows:

~~**Commercial receptacle** means a painted heavy gauge steel receptacle with a capacity of not more than eight (8) cubic yards, nor less than three (3) cubic yards and approved by the public works director.~~

**Dumpster** means a large painted metal trash receptacle (typically a 4 yard, 6 yard, or 8 yard) designed to be hoisted and emptied into a truck.

**Dwelling unit** means one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

Cross reference(s)—Development regulations, ch. 17.

**Garbage** means animal and vegetable waste resulting directly from the handling, preparation, cooking or consumption of food by humans, including a minimum amount of liquid necessarily incident thereto, but excluding trash.

**Garbage roll-out container** means an eighty- to ninety-gallon-capacity container of plastic or like material on wheels and approved by the department of public works.

**Multi-family dwelling** means a building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and residential condominiums.

Cross reference(s)—Development regulations, ch. 17.

**Residential premises** means a residential dwelling unit having an individual designated address excluding both multiple-residential housing units and mobile home parks with five (5) or more units.

**Trash** means waste materials resulting directly from normal day-to-day cleaning and operation of a residence, a commercial activity, an office or other urban activity, excluding, other types of waste defined in this section.

**Waste** includes the following:

1. **Bulk items** mean household furniture excluding electronics, electrical devices, and appliances
2. **Construction waste** means waste that is the direct by-product of construction, building, or demolition; including, but not limited to, such materials as: excavated earth, stones, bricks, plaster, limbs, shingles, tile, concrete and waste parts occasioned by the installation or replacement of plumbing, heating systems, electrical work and roofing.
3. **Hazardous waste** means waste that may spontaneously, or through handling or compaction or because of exposures to temperatures experienced in the climate of this area or because of a change in composition, explode or reach the kindling point; or waste that emits or may emit dangerous quantities of gases or radiation; or waste that is highly corrosive or otherwise dangerous.
4. **Industrial waste** means waste from factories, processing plants or other industrial enterprises that is a by-product of the manufacture, processing or major repair of a product.
5. **Land-clearing waste** means waste that is the direct by-product of clearing land or of major landscaping projects, including such materials as stumps, trees, limbs, excavated earth, shrubs, ashes or debris.
6. **Solid waste** means any useless, unused, unwanted or discarded material resulting from normal urban activities, including, but not limited to, cold ashes, garbage and trash.
7. **Yard waste** means leaves, grass, weeds, and limbs less than six (6) inches in diameter or less.

(Ord. of 7-9-13, § 1)

**Sec. 16-212. Refuse deposited and removed in approved containers.**

It is unlawful for any person to throw, place or deposit any garbage or refuse of any kind that shall be a menace to health or cleanliness nor shall it be allowed to remain on any public or private property longer than shall be reasonably necessary to remove or deposit in approved containers which must be approved by the director of public works.

(Ord. of 7-9-13, § 1)

**Sec. 16-213. Burning or burying garbage, refuse and noxious materials.**

It is unlawful for any person or business to have an open fire for the disposal of garbage, refuse or noxious materials that will likely create a health, property or a nuisance hazard. In addition, it is unlawful to bury garbage, refuse or noxious materials for the purpose of disposal.

(Ord. of 7-9-13, § 1)

**Sec. 16-214. Construction or demolition of buildings.**

- a) Every person, building contractor or subcontractor engaged in the construction, repair or demolition of any building or structure or part thereof or shall remove and dispose of, in an authorized manner, from any street, alley, gutter, park, sidewalk, curbing, curb, place or any public way all waste material or rubbish deposited thereon in connection with that portion of the repair, construction or demolition work under his special or general supervision.
- b) Such refuse, waste matter and rubbish shall be cleaned up, removed and disposed of in a sanitary manner, within seven (7) days of the final cessation of work on such building or structure unless specifically authorized by the building inspector or director of public works.
- c) Such waste matter and rubbish shall not be placed on the sidewalk or curb for town trucks to move, but shall be moved by the contractor or subcontractor who caused the same to be formed.

(Ord. of 7-9-13, § 1)

**Sec. 16-215. Rodent control.**

No person shall store, deposit or keep refuse in any place or in any manner where rodents can have access to or feed thereon, or can use such refuse as a harborage, nesting or breeding place.

(Ord. of 7-9-13, § 1)

**Sec. 16-216. Residential garbage collection.**

- a) All occupants of single-family residences and of single-story multi-family dwellings shall deposit all garbage and refuse in mobile refuse containers provided by the town and place the containers adjacent to the street for collection on days designated by the public works director for pickup. The public works director may provide this form of collection to small offices and businesses with a low volume of refuse if he deems this system more sanitary and efficient. All new residential and institutional developments not previously receiving sanitation services from the town shall require a fee, set by the Town Council, per unit to cover the cost of services provided by a solid waste collection contractor. Sanitation services shall not be provided, nor occupancy permits issued by the town, until all premises have complied with this regulation. Commercial and other developments shall furnish containers as provided by this section.
- b) The mobile containers shall be placed within two (2) feet of the curb or street edge or in an accessible location approved by the public works director but shall not be placed in the street. The containers shall be placed in the required location for collection no earlier than 4:00 p.m. on the day preceding a designated pickup day and shall be removed from the curbside location no later than 8:00 a.m. on the day after the container has been emptied. Except during these hours, the mobile containers and all other refuse containers shall be kept in a location no closer to the street than the front line of the residence.
- c) The containers shall remain the property of the town and are provided and assigned to residences for the health, safety, convenience, and general welfare of the occupants. Containers which are damaged, destroyed or stolen through abuse, neglect, or improper use by the occupant-users shall be replaced by the town at the expense of the occupant or the owner of the residence. Containers which are damaged in the course of normal and reasonable usage, or which are damaged, destroyed, or stolen through no abuse, neglect or improper use of the occupant-user or residence owner shall be repaired or replaced by the town at no charge to the occupant-user or residence owner. The containers shall not be damaged, destroyed, defaced, or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the town, are expressly prohibited, and shall be regarded as damage to the containers. The occupant-user shall maintain the container in a clean and odor-free condition.
- d) The following materials shall not be placed on or within the containers: leaves, grass, weeds, limbs, rocks, dirt, sod, gasoline, oil, flammable liquids, solvents, hot coals, hot ashes, heavy building materials or heavy metal objects. Violation of these prohibitions will be treated as abuse and improper use of the container. In addition, no pet litter, animal waste, or disposable diapers shall be placed within a mobile refuse container or other container for collection unless the material is first thoroughly sealed within a plastic or paper bag.

- e) In order to protect the public health, ensure adequate solid waste collection, and prevent undue hardships to the aged, handicapped and disabled, the public works director is authorized to vary the requirements of this section relating to placement of the container at a curbside location for collection after conducting a thorough investigation and finding that there is no person living within a particular residence unit who is physically capable of placing the container in the required location for pickup.

(Ord. of 7-9-13, § 1; Ord. of 6-9-2020(1))

**Sec. 16-217. Pre-collection practices.**

All waste shall be separated by type, according to the definitions in section 16-211, prior to the waste being placed curbside for pickup. All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. No ashes shall be deposited in any container until they are cold. **Before pickup the dumpster site is to be accessible and dumpsters are not to be blocked in any way so as to prohibit collection.**

(Ord. of 7-9-13, § 1)

**Sec. 16-218. Special or call-back collections.**

Any special or call-back collections will have an additional charge added to the utility bill.

(Ord. of 7-9-13, § 1)

**Sec. 16-219. Multi-family, motel and restaurant collections.**

(a) Multi-family developments having more than five (5) dwelling units on site are required to provide commercial receptacles. Commercial receptacle requirements for multi-family developments are: five (5)—twelve (12) units = four (4) cubic yard dumpster; thirteen (13)—sixteen (16) units = six (6) cubic yard dumpster; seventeen (17)—twenty (20) units = eight (8) cubic yard dumpster. All variances and physical limitations in nature must be presented to the building inspector and public works director, with final approval coming from the town manager.

(b) Motels and restaurants are required to have commercial receptacles having a minimum capacity of six (6) cubic yards per commercial receptacle at their places of business. All variances, physical limitations in nature must be presented to the building inspector, with final approval coming from the town manager.

(Ord. of 7-9-13, § 1)

**Sec. 16-220. Business collection practices.**

The occupant of any business establishment will provide or share at his expense the number of containers required to contain the accumulated refuse or other waste materials resulting from his business operations. These receptacles shall be of metal composition, along with fitting lids, and have the capacity to hold a minimum of three (3) cubic yards of garbage or refuse. In addition, all containers must be approved by the director of public works.

(Ord. of 7-9-13, § 1)

**Sec. 16-221. Tree trimmings collection.**

All brush or plant trimmings placed at the curb must not exceed six (6) feet in length and six (6) inches in diameter. All leaves should be piled in one (1) pile during the season (November—March) behind the curb. No bundles or items shall exceed the weight which one (1) man can handle.

(Ord. of 7-9-13, § 1)

**Sec. 16-222. Violation; penalty.**

- a) When any condition in violation of this section is found to exist, the code administrator or such persons as may be designated by the town manager shall give notice to the owner of the premises to immediately abate or remove such conditions. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation. Any violation of this article shall automatically subject the offender to a civil penalty in the amount of twenty-five dollars (\$25.00) for the first offense. The written citation must be paid within seventy-two (72) hours.
- b) Each day's continuing violation shall be a separate and distinct offense. Additional offenses subject the offender to larger civil penalties (not to exceed five hundred dollars (\$500.00)).
- c) Notwithstanding subsection (a) of this section, provisions of this article may be enforced through equitable remedies issued by a court of competent jurisdiction.

(Ord. of 7-9-13, § 1; Ord. of 6-9-2020(1))

**Sec. 16-223. Collection rates and Dumpster fees.**

Refuse collection rates and dumpster fees shall be in accordance with the fee schedule adopted from time to time by the Town Council.

(Ord. of 7-9-13, § 1)

**Sec. 16-224. Prohibited items.**

No used tires, or appliances or any large bulk items of any kind shall be disposed of by placing them in ~~commercial trash receptacles~~ dumpsters or residential mobile refuse containers, or by placing them at the street for town pickup. All tires, or appliances or any large bulk items shall be disposed of by the owner in accordance with county regulations and state law. In no event will the public works department of the town be responsible for the pickup or disposal of same.

(Ord. of 7-9-13, § 1)

**Sec. 16-226. Illegal Dumping fine.**

Any person(s) caught and identified illegally dumping into a dumpster they are not authorized to use will receive a \$300 fine. Any person(s) caught and identified illegally dumping any prohibited items will receive a \$300 fine.

**Sec. 16-227. Dumpster site requirements.**

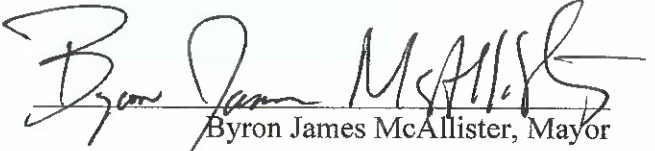
Locations of dumpsters are to be kept tidy and accessible for the dump truck (*reference. 16-217*). New and existing dumpster sites may require appropriate visibility screening (contact Planning Department for verification).

Section 2. The Clerk is hereby authorized to insert such amendments into the official Code of Ordinances of the Town of Selma kept on file in the Office of the Clerk.

Section 3. This ordinance shall become effective upon adoption.

This is the 8 day of Oct., 2024.



  
Byron James McAllister, Mayor

ATTEST:

  
Dalton Larsen-Batten, Town Clerk