**1st Reading:** 10-6-26
**2nd Reading:** 11-2-26

**Ordinance No.** 26-09

**AN ORDINANCE TO AMEND AND RESTATE ORDINANCE NO. 16-01 REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE, REFUSE, AND YARD WASTE WITHIN THE TOWN OF PENDLETON; TO ELIMINATE CURBSIDE RECYCLING AND TOWN-PROVIDED BULK CONTAINER SERVICES FOR ALL CUSTOMERS; TO AUTHORIZE PRIVATE COLLECTION FOR WASTE AND SERVICES NOT PROVIDED BY THE TOWN; TO ESTABLISH MULTI-FAMILY COLLECTION REQUIREMENTS; TO ALLOW UP TO THREE ROLL-OUT CONTAINERS FOR BUSINESS AND INSTITUTIONAL UNITS; TO ESTABLISH ROLL-OUT CONTAINER PLACEMENT AND CLEARANCE REQUIREMENTS; AND OTHER MATTERS RELATED THERETO**

**WHEREAS,** the Town of Pendleton, South Carolina is a local government acting under the Home Rule Act; and

**WHEREAS,** the Pendleton Town Council adopted Ordinance No. 16-01 on March 7, 2016, regulating the collection and disposal of solid waste, refuse, and yard waste within the Town of Pendleton; and

**WHEREAS**, the Town Council desires to discontinue Town-provided curbside recycling and all Town-provided bulk container pickup and collection services for every customer and property type, to allow retail, commercial, institutional, and industrial units to utilize up to three roll-out containers, to establish multi-family collection requirements, to authorize private collection for waste and services not provided by the Town, and to establish uniform roll-out container placement and clearance requirements, effective January 1, 2027; and

**WHEREAS**, the Town Council further desires to distinguish general bulk waste collection from bulk container or dumpster service, to continue Town collection of eligible general bulk waste and yard waste as provided herein, and to allow customers using private dumpster service to request eligible Town bulk-waste collection upon payment of fees established by Town Council; and

**WHEREAS,** the Town Council finds that these amendments are in the best interests of the citizens of the Town of Pendleton.

**NOW, THEREFORE, BE IT ORDAINED** by the Pendleton Town Council of the Town of Pendleton, South Carolina, that Ordinance No. 16-01 is amended and restated in its entirety as follows:

**SECTION 1: Definitions.**

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**(1) Animal and agricultural waste.** Principally, the manure and crop residue from various agricultural pursuits, including dairying and the raising of livestock and poultry. Animal waste also includes, in addition to these items mentioned above, waste from stables, kennels, pet pens, chicken coops, veterinary establishments and the like.

**(2) Ashes.** Residue from the burning of wood, coal, coke, and other combustible material in homes, stores, institutions and small industrial establishments for the purposes of heating, cooking, and disposing of combustible waste material. Ashes are usually composed of a mixture of fine powdery residue, cinders, clinkers and small portions of unburned or partially burned fuel or other materials. Ashes shall contain no live embers or other burning materials. The term "ashes" does not include combustion byproducts generated in large production or processing operations.

**(3) Brush.** All limbs, branches or shrubs under six (6) feet in length and six (6) inches in diameter.

**(4) Bulk containers.** A metal container of not less than two (2) cubic yards, or larger than six (6) cubic yards, commonly referred to as a dumpster. Effective January 1, 2027, the Town shall not furnish, lease, maintain, service, collect, or provide pickup from bulk containers for any

customer or property. Bulk container or dumpster service is distinct from the Town collection of general bulk waste as defined in this Ordinance.

**(5) Construction and demolition waste.** Materials such as lumber, bricks, dirt, stone, plaster, foam, roofing, broken concrete, conduit pipe, wire insulation and other substances accumulated as a result of repairs and additions to existing buildings or construction of new buildings.

**(6) Dead animals.** Those animals that die naturally or from disease or are killed accidentally. Condemned animals or parts of animals from slaughterhouses or similar places are not included in this item.

*a. Small dead animals means dogs, cats, rabbits, squirrels, chickens, rats and other similar animals.*

*b. Large dead animals means horses, cows, goats, sheep, hogs and other similar animals.*

**(7) E-Waste.** Computers, computer monitors, televisions, printers, and any other type of electronic equipment, as well as parts of any of these items.

**(8) Garbage.** Refuse of animal or vegetable food matter resulting from the handling, preparation, cooking and/or consumption of food.

**(9) General bulk waste.** Items which, because of their size, shape or weight, cannot be placed into standard refuse receptacles or containers. General bulk waste is a category of waste collected separately from regular roll-out container service and is not the same as bulk container or dumpster service.

**(10) General rubbish.** All refuse, rejected metals, old vessels of all sorts, useless litter, discarded clothing and textiles, and all other things naturally included in such term.

**(11) Industrial establishment.** Any person engaged in manufacturing or processing an item or goods.

**(12) Industrial waste.** All waste generated from manufacturing plants, factories, lumber mills, wholesale stores, bottling works, printing establishments, and groups.

**(13) Institution.** Hospitals, schools, public, charitable, philanthropic and religious institutions conducted for the benefit of the public or a recognized section of the public.

**(14) Leaf Season.** That period of the year from October 1 through March 31, unless adjusted by the Public Works Director.

**(15) Market refuse.** Putrescible garbage, generally in large quantities, along with some rubbish such as wooden crates and cardboard boxes. It also includes some condemned foods, but not large quantities of spoiled materials. Market refuse is generated by wholesale and retail stores and markets as a result of the handling, storage and selling of foods.

**(16) Multiple residential unit.** Any duplex, apartment building, group of apartments, condominium complex, or other residential property containing more than one dwelling unit.

**(17) Person.** Any person, firm, partnership, association, corporation, company, organization of any kind.

**(18) Recycling.** A process to convert waste materials into reusable material to prevent waste of potentially useful materials, reduce the consumption of fresh raw materials, reduce energy usage, reduce air pollution and water pollution by reducing the need for "conventional" waste disposal and lower greenhouse gas emissions as compared to plastic production. Recycling is a key component of modern waste reduction.

**(19) Refuse.** Any combination of garbage, general rubbish or ashes.

**(20) Residential bulk waste.** Waste which conforms to the definition of general bulk waste, including appliances, furniture, large crates and other similar items generated in residential areas.

**(21) Retail and commercial.** Any office, retail store, restaurant, hotel, government office, or private clubs.

**(22) Roll-out containers.** A plastic, wheeled, 90-gallon refuse receptacle having a tight-fitting attached lid, carrying identification of the Town and a designated serial number and whose

design, construction and capacity shall be approved by the Town. Town roll-out containers may be used for single-family dwellings and small residential properties containing no more than four (4) dwelling units, and for retail, commercial, institutional, and industrial usage as authorized by this Ordinance. Notwithstanding the foregoing, routine Town roll-out collection shall not be provided to multiple residential properties containing four (4) or more dwelling units; such properties shall use private bulk container or dumpster service unless the Public Works Director determines that Town roll-out collection is operationally feasible and approves an alternative collection arrangement in writing.

**(23) Single residential unit.** Any dwelling place occupied by one family.

**(24) Sewage treatment residues.** Screenings, grit and de-watered or air-dried sludge from sewage treatment plants and pumpings of cesspool or septic tank sludge.

**(25) Special waste.** Means hazardous waste and security waste.

***a. Hazardous waste means waste that is dangerous due to its pathological, explosive, flammable, radioactive or toxic nature. It may be either solid, liquid or gaseous.***

***b. Security waste means waste that is confidential in nature. Included in this category are confidential documents, negotiable papers and other similar items.***

**(26) Street refuse.** Refuse which accumulates in the streets and gutters and dirt removed from catch basins. It includes dirt, leaves, paper, and other similar items.

**(27) Weeds.** All rank or uncultivated vegetable growth or matter which has grown to more than one (1) foot in height or which may give rise to unpleasant odors or obnoxious vapor, or which is liable to become an unwholesome or decaying mass or breeding place for mosquito's or vermin.

**(28) Yard Waste.** Prunings, weeds, leaves and yard trimmings such as grass clippings, shrubs, limbs & brush. When collected, it often contains some earth clinging to the roots of grass, weeds and discarded plants, but large quantities of earth are excluded from this category.

**SECTION 2: Rules and regulations authorized.**

a. The Public Works Department shall administer and enforce the provisions of this Ordinance. It is the responsibility of the department to:

**1) Collect, transport, and dispose of refuse and other waste authorized for Town collection under this Ordinance and otherwise carry out the provisions of this Ordinance.**

2) Investigate complaints.

3) Establish appropriate routes and schedules for refuse and yard waste collection in residential, commercial and industrial areas.

**4) Approve Town collection locations, determine the practicality and safety of roll-out container placements, and approve alternative collection arrangements expressly authorized by this Ordinance.**

5) Determine the necessity and reasonableness of having the collectors enter any property to collect refuse and other collectible waste.

6) Notify the responsible party of nonconforming receptacles or containers and nonconforming precollection practices.

b. All such rules and regulations so promulgated shall have the force and effect of an ordinance of the town. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations so promulgated as approved. The Public Works Director and/or their designee shall have the authority to approve the issuance of warning notices for violation. Whenever the Public Works Director determines there has been a violation of this ordinance, such Director and/or his/her designee shall give notice of such violation to the property owner and/or person or agent responsible and/or occupant in accordance with the responsibilities set out in this ordinance. Such notice shall be in writing, allow 15 days from its receipt for performance of any act it requires, specify the manner in which the violation may be corrected and state that, if such correction is not

voluntarily completed within such time, legal proceedings against the violator shall be instituted and sanitation service may be terminated until the violation is corrected.

Service of notice shall be by delivery to the property owner and/or the person or agent responsible and/or the occupant personally; or by leaving such notice at the usual place of abode of such party or the owner or person responsible with person of suitable age or discretion; or by depositing the notice in the United States Post Office addressed to the owner or person responsible at his last known address, with postage prepaid, or if service of notice cannot be obtained in either of the above methods, by posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises where the violation has occurred.

**Within five (5) days following receipt of notice of violation, any person receiving such notice, believing that the literal application of this Ordinance will cause undue hardship or has been misconstrued, may appeal to the Town Administrator. After investigation of the appeal and the grounds thereof, the Town Administrator may grant in writing a reasonable extension of time or limited administrative relief relating to procedural, timing, placement, accessibility, or hardship requirements when such relief is consistent with the purpose of this Ordinance. The Town Administrator shall not waive or alter service limitations established by Town Council, including the discontinuation of curbside recycling, the discontinuation of Town-provided bulk container service, applicable roll-out container limits, categories of waste not collected by the Town, or requirements for private collection or disposal, except where this Ordinance expressly authorizes the Public Works Director to approve an alternative collection arrangement.**

c. The Town Administrator may waive the issuance of any warning notices or waiting periods and institute legal proceedings immediately if it is determined that the same owner, occupant or person responsible has been given notice for the same violation at that same location within the previous 180 days.

d. The Town of Pendleton shall require any active residential utility customer whose property is located within the municipal limits of the Town, to be charged a sanitation fee. The fees will be applied as long as utility service is active.

**SECTION 3: Precollection practice.**

**a. The occupants, whether owners or tenants, of single residential units and any multiple residential units approved for Town roll-out collection under this Ordinance shall adhere to the following precollection practices:**

**1. Separation:**

a. Garbage, general rubbish and ashes shall be grouped together.

b. Garbage and ashes shall be placed in plastic bags before being placed in roll-out containers.

c. Leaves, yard waste and general bulk waste shall be separated from the waste specified in this subsection (a)(1) and each other.

d. Grass clippings and leaves shall be separated from other yard waste.

e. With the exception of leaf season, all grass clippings and leaves shall be bagged separately.

**2. Treatment:**

a. Garbage shall be drained.

b. Ashes shall be cold.

c. Tree branches and shrubbery trimmings shall be cut to length no longer than six feet in length and 6 inches in diameter.

d. Boxes, crates and cartons shall be broken down and fit in the roll-out container.

e. Refrigerator and freezer doors shall be removed.

f. Leaves, yard waste and general bulk waste will be picked up as soon as practical.

**3. Storage:**

a. Garbage, general rubbish, and ashes enclosed in plastic bags shall be stored in roll-out containers.

b. General bulk waste and yard waste shall be placed at the curb for collection as soon as practical.

**4. Placement:**

**a. All roll-out containers on scheduled pickup days shall be placed curbside by 7:30 a.m. in an easily accessible location no more than six (6) feet from the curb or edge of the roadway. Each roll-out container shall be placed with the arrow on the lid pointing toward the road. A minimum of three (3) feet of space shall be maintained between each roll-out container and any vehicle, mailbox, pole, additional roll-out container, or other obstruction. Roll-out containers shall not be placed within the traveled portion of the street when curbside placement is available. If site conditions make placement partly or wholly within the street necessary for collection, the container shall be placed as close to the curb or edge of pavement as practical and in a manner that does not obstruct traffic or create a safety hazard. The Public Works Department may designate an alternative safe collection point when necessary. Roll-out containers shall be removed by 9:00 p.m. on the day of collection.**

b. Leaves, yard waste and general bulk waste shall be placed at the curb on the scheduled pickup day for collection and will be picked up as soon as practical.

**c. Placement of all items at the curb shall be located so as to be unobstructed for collection by the Town vehicle. When possible, items shall not be placed under utility lines.**

**b. Multiple residential collection. Multiple residential properties containing fewer than four (4) dwelling units may receive Town roll-out collection, subject to the fees and requirements of this Ordinance. Multiple residential properties containing four (4) or more dwelling units shall not receive routine Town roll-out garbage collection and shall be required to obtain private bulk container or dumpster service at the property owner's expense. Notwithstanding the foregoing, the Public Works Director may approve Town roll-out collection for a multiple residential property, including a property containing four (4) or more dwelling units, when the Director determines that safe and efficient Town collection is operationally feasible based on access, cart placement, collection-route operations, anticipated waste volume, and other relevant collection conditions. Any such alternative collection arrangement shall be approved in writing and may establish the number and location of Town roll-out containers, collection procedures, and applicable Town fees.**

c. The occupants, whether owners or tenants of retail, commercial, institutional, and industrial units requiring **three (3) or fewer roll-out containers** to contain their solid waste in an average business week shall adhere to the following precollection practices:

**1. Separation:**

a. Garbage, market refuse, general rubbish, and ashes shall be grouped together for collection purposes and placed in plastic bags.

b. General bulk waste shall be separated from the waste specified in this subsection (a)(1) above.

**2. Treatment:**

a. Garbage and market refuse shall be drained of all liquids.

b. Boxes, crates, cartons and similar items shall be broken down and fit in the roll-out container.

c. Ashes shall be cold.

**3. Storage:**

a. Garbage, market refuse, general rubbish, and ashes shall be placed in tied plastic bags before being placed in the roll-out container that is on the premises for storage.

b. General bulk waste shall be left loose outside of the refuse receptacles.

**4. Placement:**

**a. All Town roll-out containers shall be placed curbside at an easily accessible collection location. Each roll-out container shall be placed with the arrow on the lid pointing toward the road, and a minimum of three (3) feet of space shall be maintained between each roll-out container and any vehicle, mailbox, pole, additional roll-out container, or other obstruction. Roll-out containers shall not be placed within the traveled portion of the street when curbside placement is available. If site conditions make placement partly or wholly within the street necessary for collection, the container shall be placed as close to the curb or edge of pavement as practical and in a manner that does not obstruct traffic or create a safety hazard. The Public Works Department may approve an alternative safe collection point when curbside placement is not operationally feasible.**

b. General bulk waste shall be placed adjacent to the refuse receptacles in a location that is easily accessible. When possible, general bulk waste shall not be placed under utility lines.

**d. Effective January 1, 2027, the Town shall not provide bulk container or dumpster pickup or collection service to any customer or property. Retail, commercial, institutional, and industrial units may utilize no more than three (3) Town roll-out containers. Any solid waste generated in excess of the number or capacity of the allowed Town roll-out containers, or any waste or service not provided by the Town, shall be the responsibility of the owner, occupant, or business to lawfully collect and dispose of at its own expense, including by contracting with a lawful private solid waste collector when necessary.**

**SECTION 4: Collection practices.**

a. In general, the town will be responsible for the collection of wastes which come under the following waste categories:

1. Garbage.
2. Market refuse.
3. General rubbish.

**4. Yard waste - residential pickup, and pickup for retail, commercial, institutional, and industrial units that pay the applicable Town sanitation fee and comply with the requirements of Section 28 of this Ordinance.**

5. Ashes.
6. General bulk waste.
7. Residential bulk waste.

b. The town shall make specific collections of refuse and other waste as follows:

**1. Residential units.**

**a. Single residential units and multiple residential units approved for Town roll-out collection under this Ordinance:**

**1. Garbage, general rubbish, and ashes. Garbage, general rubbish and ashes shall be collected from all single-family residential units using Town roll-out containers and from all multiple residential units approved for Town roll-out collection on a regular schedule of one pickup per week. Users shall pay the sanitation fees established by Town Council.**

2. Leaves, yard waste and residential bulk waste. When feasible, leaves, yard waste and residential bulk waste will be collected on your regular scheduled garbage pickup day. Residents having waste of this type should call the town hall for instructions on handling. Additional rates may be charged for such services at the discretion of the town.

3. The disposal of small dead animals shall be the responsibility of the owner, where feasible, and picked up by the town only by specific authorization of the Public Works Director.

4. All other collectible waste classifications. No other types of collectible wastes than those specified in this subsection a. will be collected by the Sanitation Department from single residential units and multiple residential units using roll-out containers.

**b. Multiple residential properties containing four (4) or more dwelling units shall use private bulk container or dumpster service and shall not receive routine Town roll-out garbage collection unless the Public Works Director approves an alternative Town collection arrangement under Section 3. Multiple residential properties approved for Town roll-out collection shall be collected as provided in subsection 1.a. above. Any waste or service not provided by the Town shall be the responsibility of the property owner, who may contract with a lawful private solid waste collector at the owner's expense.**

**2. Business and institutional units.**

**a. Retail, commercial, institutional and industrial units using roll-out containers:**

**1. Garbage, market refuse, general rubbish and ashes shall be collected from retail, commercial, institutional and industrial units using Town roll-out containers on a regular schedule of two (2) pickups per week. The user shall pay the sanitation fee established by Town Council. Each such unit may utilize up to three (3) Town roll-out containers.**

**2. General bulk waste. General bulk waste collection is separate from bulk container or dumpster service. When feasible, the Town may collect eligible general bulk waste from business and institutional customers using Town roll-out service and from customers who obtain private dumpster service. Customers requesting Town general bulk waste collection shall contact Town Hall for scheduling and shall pay the applicable general bulk waste service fee established from time to time by Town Council. Town collection of general bulk waste does not constitute Town-provided bulk container or dumpster service.**

3. All other collectible waste classifications. No other types of collectible waste than those specified in this subsection (2)(a) will be collected by the Sanitation Department.

**b. Effective January 1, 2027, the Town shall not provide bulk container or dumpster pickup or collection service to any customer or property. Retail, commercial, institutional, and industrial units may utilize up to three (3) Town roll-out containers as provided herein. Any refuse exceeding the number or capacity of the allowed Town roll-out containers, or any waste or service not provided by the Town, shall be the responsibility of the user to lawfully collect and dispose of at the user's expense, including by contracting with a lawful private solid waste collector when necessary.**

**c. In order to qualify for Town roll-out collection, retail, commercial, institutional, and industrial units shall use only Town-issued roll-out containers. The first Town roll-out container shall be furnished by the Town in accordance with Section 14. Any additional authorized Town roll-out containers shall be obtained from the Town at the user's expense and shall be subject to applicable sanitation fees established by Town Council.**

**SECTION 5: Items not collected.**

a. The sanitation department shall not collect the following items; these are the responsibility of the persons indicated for each respectively:

| **SOLID WASTE** | **RESPONSIBLE AGENCY** |
|---|---|
| Street refuse | Town public works department |
| Large dead animals | Owner |
| Abandoned vehicles | Owner |

| | |
|---|---|
| Construction and demolition waste, including waste from professional tree trimmers or surgeons | Contractor or property owner |
| Industrial waste in large quantities | Owner |
| Special waste | Owner |
| Animal and agricultural wastes | Owner |
| Sewage treatment residues | Owner |
| Any solid waste item that has demonstrated by experience that it has a high probability of inflicting damage to the collection equipment used by the town | Owner |

b. Upon request by any of the specified individuals or responsible agencies, and when reasonably feasible in the opinion of the Public Works Director, the Public Works Director will evaluate and prepare estimates as needed of the costs of providing collection and disposal of waste in any of the above solid waste categories, and may, at the discretion of the town and prior approval of the Town Administrator, enter into a contract with any such responsible agency to provide special collection and disposal services at such additional rates as may be mutually agreed upon.

**SECTION 6: Prohibited activities.**

a. It shall be unlawful for any person to interfere with town employees engaged in the collection of refuse and yard waste.

b. It shall be unlawful for any person to require any employee of the town engaged in the collection of refuse and yard waste to do more than return the empty container to the designated point of the property.

**SECTION 7: Disposition generally.**

**a. No person shall place any refuse or yard waste in or upon any street, alley, sidewalk, or public lands within the Town except as specifically authorized elsewhere in this Ordinance for Town collection. Roll-out containers shall be placed curbside in accordance with Section 3. When site conditions make placement partly or wholly within the street necessary for collection, a roll-out container shall be placed as close to the curb or edge of pavement as practical and in a manner that does not obstruct traffic or create a safety hazard. Yard waste and general bulk waste may be placed at the curb or right-of-way only as otherwise authorized by this Ordinance.**

b. No person, other than employees of the town charged with such duty shall overhaul, molest or interfere with contents of any receptacle, or bundle set out for removal by the town, or carry any garbage or rubbish from the streets unless authorized by the Public Works Director or his/her designated agent.

**SECTION 8: Depositing in unauthorized areas.**

a. No person shall throw or deposit any refuse or yard waste in any stream or other body of water in the town. It shall be unlawful for any person to dump, deposit or place, or allow to be dumped, deposited or placed, any garbage, yard waste, debris or refuse of any kind or nature upon or immediately adjacent to any park or park space in the town.

**SECTION 9: Depositing, sweeping, in streets, public places, occupied premises.**

a. No person shall cast, place, sweep or deposit any refuse anywhere within the town in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, or other public place, or into any occupied premises within the town.

**SECTION 10: Collection by town.**

**a. The Town shall be responsible only for the collection, conveyance, and disposal of refuse, rubbish, yard waste, garbage, general bulk waste, and other waste that is expressly eligible for Town collection under this Ordinance and for which all applicable Town fees have been paid. Nothing in this Ordinance shall prohibit the actual producer of solid waste or the owner or occupant of property upon which solid waste has accumulated from personally collecting, conveying, and lawfully disposing of such waste, subject to all other applicable provisions of this Ordinance and law.**

**b. Nothing in this Ordinance shall prohibit a property owner, occupant, business, institution, industrial establishment, or other customer from contracting with a lawful private solid waste collector for waste that is not eligible for Town collection, services not provided by the Town, waste exceeding the number or capacity of Town roll-out containers authorized by this Ordinance, or private bulk container or dumpster service required or desired by the customer. Any private collector providing such service shall be properly licensed or otherwise legally authorized and shall comply with all applicable federal, state, and local laws and regulations. The customer shall be responsible for all costs associated with private collection and disposal. Lawful private collectors may haul or convey solid waste over Town streets in compliance with this Ordinance and other governing laws.**

**c. Retail, commercial, institutional, and industrial units may utilize up to three (3) Town roll-out containers per customer and shall pay the applicable sanitation fee. The Town will collect Town roll-out containers from such customers two (2) times per week. Commercial sanitation rates shall be established from time to time by Town Council. Effective January 1, 2027, the Town will not furnish, lease, maintain, service, collect, or provide pickup from bulk containers or dumpsters for any customer or property. If the permitted Town roll-out containers are insufficient, or if the Town does not provide a requested collection service, the customer shall be responsible for lawful collection and disposal at its own expense and may contract with a lawful private solid waste collector. Eligible Town general bulk waste and yard waste services remain available as provided elsewhere in this Ordinance and upon payment of applicable Town fees.**

d. No residential or commercial service will be provided after two (2) months of delinquency.

**SECTION 11: Solid waste containers.**

**a. Every person producing or having solid waste collected by the Town through roll-out container service shall keep on the premises or property the Town roll-out containers authorized by this Ordinance. Town roll-out containers must be located and placed so as to be accessible to Town employees using normal collection methods and must comply with the placement and clearance requirements of Section 3. Effective January 1, 2027, bulk containers or dumpsters are not eligible for Town pickup or collection.**

b. Residential solid waste shall be collected at least one (1) day per week. Roll-out containers are to be placed at curbside no later than 7:30am on the day of collection. Special exceptions to this requirement may be granted to elderly or handicapped customers on application to and approval by the town. In these cases the town will place a yellow "H" on the container so that the town's sanitation crew can easily identify residences of handicapped individuals. Collection will be suspended at any locations at which a roll-out container is damaged to such an extent as to interfere with usual collection methods. **All roll-out containers shall comply with the placement and clearance requirements set forth in Section 3 of this Ordinance.**

**c. Eligible residential customers that regularly generate solid waste in excess of the capacity of one (1) Town roll-out container may obtain additional Town roll-out containers where authorized by this Ordinance. Any additional roll-out container shall be obtained from the Town at the user's expense and shall be subject to the applicable sanitation fee established by Town Council.**

d. Roll-out containers shall be promptly removed and stored as close to the principal structure as possible and out of general curbside, sidewalk or collection area by 9 pm on the day of collection.

**e. Residential and commercial establishments shall be responsible for periodic cleaning of roll-out containers and shall promptly pick up and remove any waste spilled or dropped from the containers during Town collection.**

**f. Retail, commercial, institutional, and industrial establishments may utilize up to three (3) Town roll-out containers. Multiple residential properties containing four (4) or more dwelling units shall use private bulk container or dumpster service unless the Public Works Director approves an alternative Town roll-out collection arrangement as expressly authorized by this Ordinance. Any approved alternative arrangement may establish the number and location of Town roll-out containers, collection procedures, and applicable Town fees based on operational feasibility and safety. The Town shall not provide bulk container or dumpster pickup.**

**g. The Town shall not be responsible for removal of refuse that exceeds the number or capacity of Town roll-out containers authorized for a property or customer, or for waste or services not provided by the Town. Refuse exceeding Town service limits shall be the responsibility of the property owner, occupant, or establishment to lawfully collect and dispose of at its own expense, including by contracting with a lawful private solid waste collector when necessary. This subsection does not limit eligible Town collection of general bulk waste or yard waste for customers who pay the applicable Town fees and otherwise comply with this Ordinance.**

h. It shall be unlawful to burn in any roll-out container or bulk container.

**SECTION 12: Removal or damage to containers.**

**a. It shall be unlawful for any person to remove any Town-issued roll-out container from the premises to which it is assigned or to maliciously damage or deface any Town-issued roll-out container.**

**SECTION 13: Open containers prohibited.**

a. It shall be unlawful for containers required by this ordinance to remain open except while being serviced. Users of containers shall be responsible for keeping containers closed.

**SECTION 14: Town to furnish first roll-out container to each eligible Town sanitation customer; additional or replacement roll-out containers at expense of user.**

**a. The Town shall furnish one (1) 90-gallon roll-out container to each eligible Town sanitation customer receiving Town roll-out collection service. The first roll-out container shall be furnished without a separate container purchase or lease charge; however, all applicable sanitation service fees established by Town Council shall continue to apply.**

**b. After the first Town-furnished roll-out container, any additional authorized roll-out container and any replacement roll-out container shall be obtained from the Town at the user's expense, except when replacement is required because of damage caused by Town personnel. Replacement costs for damaged containers shall otherwise be governed by Section 24.**

**c. Any additional roll-out containers authorized by this Ordinance shall be obtained only from the Town, at the user's expense, and shall be subject to any applicable monthly sanitation fee established by Town Council.**

**SECTION 15: Official town holidays.**

a. There will be no collection on town holidays. These days will be advertised well in advance, along with their corresponding make-up schedules.

**SECTION 16: Collection in inclement weather.**

a. In bad weather the sanitation department will attempt to operate normally and each residence or business will choose whether or not to roll-out their container for their normal weekly pick up or wait for their next scheduled pick up day.

**SECTION 17: Use of roll-out container for purpose other than garbage storage and collection prohibited.**

a. The roll-out container shall not be used for any purpose other than storing and collecting garbage.

**SECTION 18: Marking on or trading roll-out container prohibited.**

a. The roll-out containers shall not be marked or written on, nor shall any homeowner or resident trade roll-out containers.

**SECTION 19: Theft, destruction, defacement or damaging of roll-out containers prohibited.**

It shall be unlawful for any person:

a. to remove any roll-out container from its assigned residence within the town limits, or to take any such container out of the town limits;

b. to damage or destroy any roll-out container by burning, exploding, shooting, cutting, painting, running into the container with a motor vehicle or by use of any corrosive substances or chemicals or by any other methods which shall result in damage or destruction to such roll-out container;

c. to pull any roll-out container behind a motor vehicle or other vehicle or to do any act which would tend to damage or dismantle the roll-out container; or

d. to do any other acts not enumerated above, which would in fact damage or destroy a roll-out container or would reasonably tend to lead to such damage or destruction.

**SECTION 20: Procedure when homeowner, resident or business does not need pick up.**

a. If a homeowner, resident, or business does not have enough garbage to need a pick-up on a particular collection day, they may skip the collection on that day and leave the roll-out container at their house or business. The garbage will then be picked-up on the next regular collection day.

**SECTION 21: Procedure upon moving of homeowner, resident or business.**

a. If a homeowner, resident, or business moves out of town or to another location within the town limits, they shall call the town hall so that the roll-out container can be picked up. It shall not be taken when a resident or business moves. The town will maintain ownership of the roll-out containers at all times, even if the container is leased.

**SECTION 22: Sanitation department to be notified upon damage or theft of a container.**

a. If a container is stolen or damaged, the resident should call town hall at once.

b. If any part of the container shall become loose or separates, it shall be reported to town hall at once to be repaired or replaced.

**SECTION 23: Care and maintenance of roll-out containers.**

The occupants of any building for which a roll-out container has been provided shall be responsible for the following:

a. placing the container in a location where it will not be subject to damage or vehicular or other traffic, including lawn mowers;

b. oiling the wheels at intervals as necessary to maintain easy operation and to prevent unnecessary wear (approximately every four (4) months);

c. preventing the placing in any container of any hot material, solvents or other items or materials which may damage the plastic;

d. keeping the container in a clean and sanitary condition; and

e. placing the container in a readily accessible location, as near as practical to the curb on scheduled collection days. **On scheduled collection days, each roll-out container shall comply with the placement and clearance requirements set forth in Section 3 of this Ordinance.**

**SECTION 24: Replacement of damaged containers.**

a. The occupants of any building for which a roll-out container has been provided shall be required to pay the cost of replacement of any container which is damaged as a result of carelessness, improper use, neglect, or any other cause not resulting from actions of town personnel.

**SECTION 25: Out-of-town solid waste & yard waste prohibited.**

a. It shall be unlawful for any person to bring any type of refuse or yard waste that originates from outside the town limits into the town for collection and disposal by the town's labor forces.

**SECTION 26: Bulk Containers.**

**a. Effective January 1, 2027, the Town of Pendleton shall no longer furnish, lease, maintain, service, collect, or provide pickup from bulk containers or dumpsters for any residential, multi-family, retail, commercial, institutional, industrial, or other customer or property. Multiple residential properties containing four (4) or more dwelling units shall obtain private bulk container or dumpster service at the property owner's expense unless the Public Works Director approves an alternative Town roll-out collection arrangement as expressly authorized by this Ordinance.**

**b. Town collection of general bulk waste is separate and distinct from bulk container or dumpster service. A customer that uses private bulk container or dumpster service may request Town collection of eligible general bulk waste when such collection is operationally feasible. The customer shall contact Town Hall for scheduling and shall pay the applicable general bulk waste service fee established from time to time by Town Council.**

**c. Any customer whose waste exceeds the number or capacity of Town roll-out containers authorized by this Ordinance, or who requires a waste collection service not provided by the Town, shall be responsible for arranging lawful collection and disposal at the customer's own expense and may contract with a lawful private solid waste collector.**

**SECTION 27: Removal of refuse incident to building operations also known as Construction & Demolition waste.**

a. Every contractor, carpenter, builder, tenant or homeowner who constructs, repairs or alters a building in the Town shall remove all refuse incident to such construction, repairs or alterations at his own expense and no part thereof shall be deposited or left for disposal by the Town.

**SECTION 28: Yard Waste.**

a. With the exception of during leaf season, leaves and grass clippings to be picked up shall be enclosed in disposable containers such as plastic bags, securely tied and placed in a location near the street to facilitate the collection process.

b. Normal seasonal yard trimmings and pruning in reasonable quantities will be removed by the town. Trimmings shall be no larger than 6 feet in length and 6 inches in diameter. Abnormal quantities of trimmings or any lot clearings, tree removals or stumps shall be transported to the sanitary landfill by the owner or contractor.

c. Nothing shall be disposed of or placed in a drainage ditch.

d. The Town of Pendleton will make special exceptions for removal of normal seasonal yard trimmings and pruning in reasonable quantities for elderly or handicapped customers even when contracted, on application approved by the Public Works Department.

e. Yard waste may be placed at the curb or right-of-way for collection by the Town, provided:

1) The placement does not cause or create a hazard to the public;

2) The material is placed on the property from which it originated;

3) The material is cut to the above appropriate lengths;

4) The material is separated and distinct from all other refuse and not placed in the roll-out containers; and

5) Leaves and grass clippings shall be bagged, with the exception of during leaf season. During leaf season, leaves and grass clippings may be placed curbside in a location that is accessible for the Leaf Vacuum truck.

**f. Retail, commercial, institutional, and industrial units that pay the applicable Town sanitation fee may receive Town yard waste collection, subject to the same preparation, placement, quantity, scheduling, and safety requirements applicable under this Section and any operational rules established by the Public Works Department.**

**SECTION 29: Vehicle parts.**

a. The placement of any vehicle parts or vehicle tires at the curb or right-of-way is specifically prohibited and is the responsibility of the property owner to legally dispose of these items. If feasible, the Town will offer tire amnesty days twice a year, one in the spring and one in the fall. On tire amnesty day, it is the responsibility of the resident to place tires at the curb or right-of-way by 7 am on the scheduled day. Tires must be clean and rims removed.

**SECTION 30: E-waste.**

a. NOTICE: IT IS AGAINST THE LAW, to dispose of computers, computer monitors, televisions, printers and any other type of electronic equipment as well as any parts of these items in landfills. The placement of any electronics and electronic parts at the curb or right-of-way is specifically prohibited and is the responsibility of the property owner to legally dispose of these items.

**SECTION 31: Recycling.**

**a. Effective January 1, 2027, the Town of Pendleton shall no longer provide curbside recycling collection service to residents, businesses, retail establishments, commercial establishments, institutions, or industrial units.**

**b. Any person or entity choosing to recycle after January 1, 2027, shall be responsible for transporting recyclable materials to an authorized recycling facility or otherwise arranging for lawful recycling services at their own expense.**

**SECTION 32: Penalty.**

Violations of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed $200 and/or 30 days in jail. Citations and/or fines shall be issued by the town's Code Enforcement Officer or the Pendleton Police Department or his/her designee.

Excessive violators may have service suspended if violations continue to exist.

**SCHEDULE OF FEES FOR SOLID WASTE COLLECTION AND DISPOSAL FOR THE TOWN OF PENDLETON:**

**Sanitation Fees:**

Refer to the most recent Town of Pendleton Municipal Fee Schedule

**Bulk Container Fees: Effective January 1, 2027, not applicable. The Town does not provide bulk container or dumpster pickup or collection service.**

**General Bulk Waste Service Fees: Refer to the most recent Town of Pendleton Municipal Fee Schedule. Fees for eligible Town general bulk waste collection, including service requested by customers using private dumpster service, shall be established from time to time by Town Council.**

**INTRODUCED** in Council duly assembled the 6th day of October, 2026.

**ENACTED AND ORDAINED** that this Ordinance shall take effect on **January 1, 2027.**

The undersigned hereby certifies that this Ordinance was approved and adopted on the 2nd day of November 2026, with an effective date of January 1, 2027.

**ATTEST:**

Municipal Clerk

**MAYOR:**

**COUNCIL:**

WARD 1: _____

WARD 2: _____

WARD 3: _____

WARD 4: _____