

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. SOLID WASTE AND REFUSE COLLECTION.

CHAPTER 1

SOLID WASTE AND REFUSE COLLECTION

SECTION

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17-101. Definitions. As used in this chapter, the following words shall have the following meanings:

(1) "Bag" is a plastic sack designated to store garbage with sufficient wall strength to maintain physical integrity when lifted by the top. As used in this chapter, the total weight of a bag and its contents shall not exceed thirty-five (35) lbs.

(2) "Bulk container" is a "commercial container."

(3) "Bulk rubbish" means wooden and cardboard boxes, crates, appliances, furniture, bedding, and other refuse items which by their size and shape cannot be readily placed in city-approved containers.

¹Municipal code reference

Property maintenance regulations: title 13.

(4) "Commercial container" is a dumpster container with a capacity of two (2) to eight (8) cubic yards that remains at the point of collection designated by the city.

(5) "Commercial establishment" is any business, industrial, institutional or agricultural establishment, office or professional building, shopping center, multiple business complex, college dormitory, church, hospital, club or other similar organization. However, a commercial establishment does not include any commercial or industrial establishment that is served by an on-site commercial trash compactor which is not serviced by the city's solid waste contractor in their capacity as the city's contractor.

(6) "Commercial housing facility" is a structure or grouping of structures, an apartment complex, or a mobile home park, containing four (4) or more dwelling units whether singly owned or owned by various persons but having the appearance and utility of other housing complexes within a contiguous area. However, a commercial housing facility does not include any facility that is served by an on-site commercial trash compactor which is not serviced by the city's solid waste contractor in their capacity as the city's contractor.

(7) "Commercial housing facility garbage" means solid waste resulting from the operation, maintenance or use of any dwelling unit located within a commercial housing facility as defined in this chapter.

(8) "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, office or professional building, shopping center, multiple business complex, church, club or other similar organization.

(9) "Construction waste" means materials from construction, demolition, remodeling, or construction-site preparation, including, but not limited to, rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials.

(10) "Garbage" means all household wastes, including but not limited to food waste, bottles, wastepaper, tin cans, clothing, small mechanical parts, small dead animals, and rubbish. As used in this chapter, "garbage" does not include tree limbs, shrubbery, trimmings, leaves, construction waste, human or animal waste, large dead animals, large mechanical parts, and "bulk rubbish."

(11) "Hazardous waste" is defined as that term is defined by the State of Tennessee in its statutes and regulations regarding hazardous waste.

(12) "Multiple business complex" is any group of more than one (1) business located on one (1) tract of property.

(13) "Refuse" means solid waste.

(14) "Residential garbage" means garbage resulting from the operation and maintenance of a residential housing facility. It does not include garbage resulting from the operation, maintenance or use of a dwelling unit located within a commercial housing facility nor does it include garbage resulting from the operation of a commercial establishment as defined in this chapter.

(15) "Residential garbage container" means a garbage container with a capacity of greater than twenty (20) gallons but less than thirty-five (35) gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by animals, including, but not limited to, dogs, cats, insects, rodents, or other vermin. The weight of a residential garbage container and its contents shall not exceed sixty (60) lbs.

(16) "Residential housing facility" is a single structure containing three (3) dwelling units or less and not operated as a part of a commercial housing facility. It includes a single family dwelling.

(17) "Service level" means the maximum number of times or frequency that containers are serviced.

(18) "Solid waste" is unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, appliances, furniture, special wastes, industrial wastes, and demolition and construction wastes, excluding "bulk rubbish" and hazardous or infectious wastes.

(19) "Yard waste" means grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials. (1981 Code, § 10-16, as amended by Ord. of Oct. 1994; Ord. of June 1995; Ord. of 10/24/2000; Ord. #2003-36, Dec. 2003; and Ord. #2005-39, Oct. 2005, as replaced by Ord. #2009-76, Dec. 2009)

17-102. Responsibility for administration of this chapter. (1) The public works director is responsible for:

- (a) The enforcement of this chapter; and
- (b) Coordination of the services provided herein; and
- (c) Making recommendations to the city manager for improvements to the city's solid waste collection and disposal system; and
- (d) Periodically reviewing the city's cost of providing solid waste collection, disposal, and recycling; and
- (e) Periodically recommending an adjustment to the fees for such services to offset the city's costs.

(2) In addition to the powers and duties granted to the public works director under § 17-102(1), code enforcement officers are also authorized to enforce the provisions of this chapter, and to issue citations for violations of the provisions of this chapter. (Ord. of Oct. 1994, as replaced by Ord. #2009-76, Dec. 2009, and amended by Ord. #2021-27, Aug. 2021 *Ch18_01-10-22*)

17-103. Residential housing facilities, containers, collection procedures, and general regulations. (1) The normal collection policy for all residential housing facilities is to collect garbage from each residential housing facility once per week. The collection routes shall be established by the public works director.

(2) All garbage generated by residential housing facilities shall be placed in a "residential garbage container" or securely in "bag(s)."

(3) Residential garbage containers or bag(s) from residential housing facilities shall be placed for collection no earlier than 3:00 P.M. on the day before collection. Residential garbage containers or bag(s) should be placed for collection no later than 7:00 A.M. on the date of collection to assure collection of the garbage. No residential garbage containers or bag(s) are permitted to remain at the curbside collection point later than 9:00 P.M. on the day of collection.

(4) On the scheduled day for collection, all residential garbage containers or bag(s) must be placed at the edge of the street, curb or other designated location approved for pickup. Residential garbage containers or bag(s) shall be placed in such a location and in such a manner as to be readily accessible by collection equipment. Residential garbage containers or bag(s) must not be placed in a location that interferes with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance.

(5) It is unlawful to leave a residential garbage container or a bag at curbside except during the time periods specified in this section. It is also unlawful to leave a residential garbage container unsecured (without its lid tightly secured) if it contains garbage. It is also unlawful to place a bag of garbage for collection at curbside unless the bag is securely tied or fastened at its opening.

(6) Bulk rubbish and construction waste, as defined in this chapter, are hereby prohibited from being placed for collection by the city's solid waste contractor. Bulk rubbish and construction waste shall be placed for collection in accordance with the provisions of § 17-110. (1981 Code, §§ 10-20, 10-21, 10-22, and 10-23, as amended by Ord. of Oct. 1994; Ord. of June 1997; Ord. of June 1998; replaced by Ord. #2005-39, Oct. 2005; amended by Ord. #2005-46, Nov. 2005; and replaced by Ord. #2006-7, March 2006, as replaced by Ord. #2009-76, Dec. 2009)

17-104. Commercial housing facilities, containers, collection procedures, and general regulations. (1) A "commercial housing facility" shall be serviced with a "commercial container(s)", in order to accommodate the "commercial housing facility garbage" generated by the tenants of the commercial housing facility.

(2) "Commercial housing facility garbage" intended for collection by the city, shall be placed in a city-approved "commercial container." Tenants of commercial housing facilities must deposit all "commercial housing facility garbage" within the commercial container(s) serving the commercial housing facility.

(3) No residential housing containers may be placed for collection at any commercial housing facility where a commercial container is provided. No trash bags may be placed for collection at any commercial housing facility where

a commercial container is provided unless the bag(s) are placed within the commercial container.

(4) All commercial containers must be compatible with the commercial solid waste collection equipment used by the city's garbage contractor. The city reserves the right to recommend a smaller or larger container, and require more or less pick-ups per week, if in the judgment of the public works director such change will be more cost effective or provide more efficient service. The container(s) for commercial housing facilities shall be furnished by the commercial housing facility desiring service.

(5) The owner/user of all containers shall be responsible for the sanitary maintenance, structural maintenance and the replacement of said containers.

(6) If the public works director determines that a commercial housing facility cannot accommodate a commercial container, then the public works director is hereby granted the authority to require the owner of the commercial housing facility to construct and maintain a receptacle large enough to hold and retain a sufficient number of residential housing containers for all of the residents or tenants of the particular commercial housing facility.

If the public works director determines that a commercial housing facility cannot accommodate a commercial container and the director will allow the use of a receptacle, the public works director will notify the owner of the commercial housing facility of said determination and give the owner thirty (30) days from the date of the notice to provide an appropriate receptacle in lieu of a commercial container. It shall be unlawful for an owner of a commercial housing facility to fail to provide a receptacle within thirty (30) days after receiving this written notification by the public works director.

The size, shape, configuration, location and construction of this receptacle shall be subject to the review and final approval of the public works director.

Each tenant who resides in a commercial housing facility with an approved receptacle must place all garbage securely in bags. The bags must then be placed in residential garbage containers and these containers must be placed within the receptacle. (1981 Code, §§ 10-29 and 10-34, as amended by Ord. of Oct. 1994; Ord. of June 1995; Ord. of 6/23/97; and Ord. #2005-39, Oct. 2005, as replaced by Ord. #2009-76, Dec. 2009)

17-105. Sanitation user fee for residential housing facilities and commercial housing facilities.¹ The city's costs of collection and disposal of garbage, refuse, and other solid waste are hereby offset by a sanitation user fee imposed upon all residential housing facilities and each individual unit located within any commercial housing facility in the city. The sanitation user fee is

¹Fees, as amended from time to time, are available in the office of the recorder.

hereby levied, and it shall be billed and collected by Cleveland Utilities as an additional line item on a monthly utility billing. The amount billed for services used for less than a complete month shall be prorated according to Cleveland Utilities' policies on proration. The sanitation user fee shall be set by ordinance of the city council. (Ord. of Oct. 1994, as replaced by Ord. #2009-76, Dec. 2009)

17-106. Commercial facilities-collection procedures, containers, and general regulations. (1) "Commercial solid waste" intended for collection by the city shall be placed in a city-approved container. All containers must be compatible with the commercial solid waste collection equipment used by the city's garbage contractor. The city reserves the right to recommend a smaller or larger container, and require more or less pick-ups per week, if in the judgment of the public works director such change will be more cost effective. The container shall be furnished by the commercial establishments desiring service.

(2) The normal collection policy for commercial solid waste is to collect from each container of each commercial establishment, the number of times per week, not to exceed once per day, excluding Sundays, that the establishment selects for service.

(3) Bulk containers shall at all times be kept in a place easily accessible to the collection equipment used by the city's garbage contractor. No service shall be given those establishments permitting objects, obstructions, or vehicles to hinder in any way whatsoever the servicing of said containers.

(4) The public works director may establish a special collection district due to the density of commercial facilities, such as the downtown area, and provide a unified service for said district. The public works director shall submit the district boundaries to the city manager and the city council for approval.

(5) The owner/user of all bulk containers shall be responsible for the sanitary maintenance, structural maintenance and the replacement of said containers.

(6) The owner or developer of commercial, industrial, or institutional facilities, such as regional malls, shopping centers, hospitals, medical centers, commercial housing facilities, and other major developments shall be required to show methods of handling solid waste and locations of all solid waste containers on an approved site plan to the public works director prior to beginning construction. (Ord. of Oct. 1994, as replaced by Ord. #2009-76, Dec. 2009)

17-107. Commercial collection fee for commercial facilities.¹ The city's costs of collection and disposal of commercial solid waste are hereby offset by a commercial collection fee imposed upon all commercial facilities within the

¹Fees, as amended from time to time, are available in the office of the recorder.

city. The applicable commercial collection fee is hereby levied, and it shall be collected by Cleveland Utilities as an additional line item on a monthly utility billing.

The commercial fee charged each commercial establishment shall be calculated as follows: The number of cubic yards (container size) times the number of pickups weekly times 4.33 times the rate per cubic yard equals the monthly fee.

The city council shall annually establish by ordinance the rate, after receiving the recommendation of the public works director.

The commercial recycling user fee shall be set by an ordinance adopted by the city council. (Ord. of Oct. 1994, as amended by Ord. of Nov. 1994, and Ord. of 8/27/2001, as replaced by Ord. #2009-76, Dec. 2009)

17-108. Premises to be kept clean. It shall be unlawful for any person or persons owning, leasing, occupying or having control of property within the corporate limits of the city, regardless of whether such property is vacant or contains structures thereon, to permit the accumulation of garbage, refuse, hazardous waste, or other undesirable materials thereon. It is the responsibility of the individual(s) having control of residential housing facilities, commercial housing facilities, and commercial establishments to maintain the container(s) and the surrounding area in a clean, neat and sanitary condition at all times. (as added by Ord. of 4/10/2000, as replaced by Ord. #2009-76, Dec. 2009)

17-109. Prohibited substances and practices. (1) Prohibited substances. The following substances are hereby prohibited and shall not be placed nor deposited in any approved containers serviced by the collection equipment used by the city's solid waste contractor:

- (a) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.
- (b) Any material that could be hazardous or injurious to city employees or contractor's employees or which could cause damage to the equipment belonging to the city or the city's contractor.
- (c) "Construction waste" as defined in this chapter.
- (d) Hot materials such as ashes, cinders, etc.
- (e) Human waste.
- (f) Animal waste unless it is placed and secured in a plastic bag.
- (g) Infectious wastes as classified by the following:
 - (i) Isolation wastes. Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).
 - (ii) Cultures and stocks of infectious agents and associated biological cultures and stocks of infectious agents,

including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals, discarded live and attenuated vaccines, and cultural dishes and devices used to transfer, inoculate, and mix cultures.

(iii) Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components.

(iv) Pathological wastes. Pathological wastes, such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy.

(v) Discarded sharps. All discarded sharps (e.g. hypodermic needles, syringes, Pasteur pipettes, broken glass, scalpel blades) used in patient care, medical research or industrial laboratories.

(vi) Contaminated animal carcasses, body parts, and bedding. Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals or in the in vitro testing of pharmaceuticals.

(vii) Facility-specified infectious wastes. Other wastes determined to be infectious by a written facility policy.

(h) Human/animal remains.

(2) Prohibited practices. (a) The following practices are prohibited and it shall be unlawful for:

(i) Any person to move, remove, reset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage or interfere with any type of garbage container. (as added by Ord. #2005-39, Oct. 2005, as replaced by Ord. #2009-76, Dec. 2009)

17-110. Yard waste, brush collection, bulk rubbish, and other refuse. (1) Yard waste, brush and bulk rubbish collection. (a) Normal schedule. Schedule for brush collection, yard waste and bulk rubbish shall be two pickups each month. The public works director shall recommend routes to the city manager, dividing the city into ten (10) daily routes, with two (2) zones in each route. The recommendation shall be in the form of a map with written descriptions of the boundaries; and is subject to the approval of the city council. Any modification to the routing also must be approved by the city council. During the seasonal leaf collection period referred to in this section, the leaf collection routes shall coincide with the routes for yard waste and bulk rubbish.

(b) Placement of brush for collection. All brush (tree limbs, shrubbery and hedge trimmings, etc.) must be placed at the edge of a street or serviceable alley easily accessible with city collection equipment.

(c) Piling of brush for collection. All brush shall be neatly stacked and not scattered. Brush collections shall not be made where it is loosely scattered. A notice shall be given to the resident that collection cannot be made and the reason why it cannot be made.

(d) Length and size of brush. Tree trunks, stumps, and limbs larger than seven inches (7"), measured across the diameter of the butt end, shall not be collected by the city. All tree limbs must not exceed seven feet (7') in length and must be stacked as required.

(e) Separation of refuse. No items of refuse may be mixed with brush trimmings. Mixing wire, metal, lumber, brick, rock, dirt or similar items with brush trimmings is prohibited by landfill regulations and collection shall be limited to separated items. Mixing leaves and grass clippings with other brush is also prohibited.

(f) Placement of yard waste for collection. No item of yard waste placed out for disposal shall be placed on top of water/gas meters or valves, piled against utility poles, guy wires, fire hydrants, fences or structures or any item which could be damaged by collection equipment, or directly under electrical distribution lines.

(g) Grass clippings and leaves to be bagged except during seasonal leaf collection. Except during seasonal leaf collection as outlined in (5) below, all leaves and grass clippings collected by the city shall be placed in clear plastic bags.

(2) Refuse generated through private enterprise. The city shall not be responsible for the collection and disposal of construction waste, bulk rubbish, brush or any other forms of solid waste generated or produced by contractors, tree trimmers, or persons doing work for profit or personal gain. Nor will any such collection of refuse be made from lot or land clearing projects including remodeling or alterations of homes or businesses or such other private project or improvements, whether or not a contractor is employed. However, residents having remodeling or construction waste may request a special pick-up as outlined in subsection (4) of this section.

(3) Bulk rubbish (junk) service. Bulk rubbish service will be performed on the same schedule as brush collection. Bulk rubbish shall not be placed at the street for collection until the day before the route is to be picked up. No bulk rubbish will be picked up that exceeds the maximum rated lifting capacity of the collection equipment. If collection cannot be made for this reason, notice shall be given the resident of the reason for non-collection. It shall be unlawful for any person, firm, partnership, corporation, syndicate, joint stock company, association or other group operating as a unit, owning, leasing, occupying or having control of property within the corporate limits of the city, to violate or permit to be violated the requirements of this section.

(4) Self-help program. The public works director, or his designee, shall have the authority to establish a reasonable self-help program for residents who have unusual amounts of refuse, or unusual circumstances which would prevent

hauling or disposal for themselves. Such program, or special pick-up, will be at no cost to the residents.

(5) Seasonal leaf collection. Fall leaf collection will begin between October 1 and November 15 depending on climatic conditions and will continue through the end of January. During this time period, leaves must be placed at the curb, unbagged and accessible to leaf suction machinery. Except during this time period, all leaves must be placed in clear plastic bags for collection as scheduled by the public works director. (as added by Ord. #2009-76, Dec. 2009)

17-111. Solid waste brought into the city. (1) It shall be unlawful for any person to bring solid waste into the city that was generated by any person or entity outside the city for the purpose of dumping or depositing such waste for collection by municipal forces or the city's garbage contractor, unless authorized by the city manager or the public works director. This section shall not be constructed to prohibit a refuse transfer station or recycling facility.

(2) Each day that such illegal dumping or depositing occurs shall constitute a separate offense. Any complaints of illegal dumping or depositing in violation of this section shall be forwarded to the code enforcement officer, who shall determine ownership of the dumped or deposited waste and then issue a municipal citation to the offender, or forward the information to the police department for prosecution under Tennessee Code Annotated, § 39-14-502 or any other applicable state law. (as added by Ord. #2009-76, Dec. 2009, and amended by Ord. #2010-13, May 2010)

17-112. Civil penalties for violations of this chapter. A violation of any rule, regulation, section or provision of this chapter is hereby declared to be unlawful and shall be punishable by the imposition of a civil penalty in an amount not to exceed fifty dollars (\$50.00), plus court costs and litigation tax as provided for in the Cleveland Municipal Code. Each day of violation of any rule, regulation, section or provision of this chapter shall constitute a separate offense. (as added by Ord. #2009-76, Dec. 2009)