

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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17-101. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the Town of Erwin are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (2005 Code, § 17-101)

17-102. Definitions. (1) "Ashes." Includes the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

¹Municipal code reference

Property maintenance regulations: title 13.

(2) "Building materials." Materials of any type, kind or description, such as those customarily used in the construction, remodeling or demolition of any dwelling or part thereof, or any outbuilding, such as garages or tool sheds. The terms "refuse," "garbage" and "rubbish" as provided in this chapter shall not include building materials.

(3) "Collector." Any person, firm, or corporation, that collects, transports, or disposes of any refuse within the corporate limits of Erwin.

(4) "Garbage." Includes all putrescible wastes, except sewage and body wastes, including vegetable and animal offal carcasses of dead animals, but excluding recognizable industrial by-products from all public and private residences and establishments.

(5) "Health officer." The health authority of the Town of Erwin or his authorized representative.

(6) "Refuse." As hereinafter referred to in this chapter, shall include garbage, rubbish, ashes, and all other putrescible and non-putrescible, combustible and noncombustible, materials originating from the preparation, cooking, and consumption of food; market refuse; and waste from the handling and sale of produce and other similar unwanted materials; but shall not include sewage, body wastes, or recognizable industrial by-products from all residences and establishments public and private.

(7) "Rubbish." Includes all nonputrescible waste materials except ashes from all public and private residences and establishments. (2005 Code, § 17-102)

17-103. Accumulation of refuse. Each owner, occupant, tenant, subtenant, lessee, or others, using or occupying any building, house, structure, or grounds within the corporate limits of the Town of Erwin where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide an adequate number of suitable containers, of a type approved by the health officer, for the storage of such type approved by the health officer, for the storage of such refuse. Such containers shall be constructed of plastic or metal, be strong and durable, not readily corrodible, rodent and insect-proof, of a capacity not exceeding thirty (30) gallons and not less than ten (10) gallons, except that the maximum capacity shall not apply in cases where the collector is equipped to handle containers of similar construction mechanically. Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight-fitting lids or covers, constructed of the same material and of such design as to preclude the free access of flies and other insects and to prevent the container from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by an official collector. Such storage containers shall be placed in such convenient, accessible location for trucking as may be designated by the official refuse collection agency.

Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it into the storage receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (2005 Code, § 17-103)

17-104. Confiscation of unsatisfactory storage containers. The official refuse collecting agency of the town is herein authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when at the discretion of the health officer such containers are not suitable for the unhealthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owner or owners of such containers have been duly notified of such impending action. (2005 Code, § 17-104)

17-105. No refuse to be collected unless properly stored. In no case will it be the responsibility of the refuse collecting agency of the town to shovel or pick up from the ground any accumulations of refuse, including leaves, lawn clippings, brush, or packing material. All such materials are to be placed in containers of the type described in this chapter or of a type and design which will meet with the approval of the health officer and the requirements of the official refuse collecting agency. (2005 Code, § 17-105)

17-106. Collection of garbage and refuse. (1) Permits. No person, firm, or corporation (other than the owner) shall engage in the business of collecting refuse or removing the contents of any refuse container, for any purpose whatsoever, who does not possess a permit to do so from the appropriate authority of the Town of Erwin. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permits may be suspended or revoked upon the violation of any of the terms of this chapter.

(2) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provision shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds. (2005 Code, § 17-106)

17-107. Disposal of garbage and refuse. The disposal of refuse in any quantity by any individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated by the constituted authority of the Town of Erwin is expressly prohibited. All disposal

of refuse and garbage shall be by methods approved by the department of health, and provided that such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal, and provided that no garbage shall be fed to swine unless said garbage has first been heated to at least two hundred twelve degrees Fahrenheit (212°F), and held there at least thirty (30) minutes in apparatus and by methods approved by the Tennessee Department of Agriculture as set forth in chapter 94 of the Public Acts of 1953. Provided further that animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at forty (40) psi. steam pressure, or higher, or similarly heated by equivalent cooking. (2005 Code, § 17-107)

17-108. Dumping in streams, sewers, and drains prohibited. It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the Town of Erwin. (2005 Code, § 17-108)

17-109. Service of orders. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants, or lessees of such properties where violations of this chapter are known to exist and to require that such violations be corrected within the time specified by the health officer. (2005 Code, § 17-109)

17-110. Additional definitions. The following additional definitions shall apply in the interpretation and application of this chapter.

(1) "Apartment house." A building or buildings where three (3) or more dwellings exist.

(2) "Class I." Retail business, as defined per Business Tax Act of 1971.

(3) "Class II." Persons engaged in making sales--as defined per Business Tax Act of 1971.

(4) "Class III." Barbers, beauty salons, shoe shines, veterinarians--as defined per Business Tax Act of 1971.

(5) "Class IV." Exterminators and contractors as defined per Business Tax Act of 1971.

(6) "Dwelling." A building designed or used as the permanent living quarters for one (1) or more families.

(7) "Family." One (1) or more persons occupying a premises and living together as a single house-keeping unit.

(8) "Industry." Any industrial or manufacturing business concerned with the production of consumable goods or services.

(9) "Institutions." Any educational, religious, recreational groups, or associations functioning within the corporate limits of Erwin who are not taxable under the Business Tax Act.

(10) "Mobile home park." Any plot of ground containing a minimum of two (2) acres upon which two (2) or more mobile homes are located or intended to be located.

(11) "Professional services." Any professional service such as lawyers, doctors, dentists, insurance, banking, etc., who are not taxable under the Business Tax Act.

(12) "Public utilities." Public utilities operating within the corporate limits of Erwin and not taxable under the Business Tax Act.

(13) "Wholesale business." Any enterprise engaged in the exchange of goods and services and not taxable under the Business Tax Act. (2005 Code, § 17-110)

17-111. Collection service provided by town. The following solid waste collection service herein stated shall be provided by the town through one (1) or more private contractors:

(1) Dwellings. One (1) weekly service to all dwellings provided said dwellings' solid waste is stored in heavy-duty bags provided by the contractors.

(2) Apartment houses. One (1) containerized service per week in the event the solid waste generated exceeds eight (8) cubic yards per week. As deemed necessary by the board of mayor and aldermen.

(3) Mobile home parks. One (1) containerized service per week in the event the solid waste generated exceeds eight (8) cubic yards per week or as deemed necessary by the board of mayor and aldermen.

(4) Class I. No service.

(5) Class II. No service.

(6) Class III. No service.

(7) Class IV. No service.

(8) Wholesale business. No service.

(9) Professional service. No service, however the sharing of containers with Classes I, II, III, and IV is permissible with the approval of the board of mayor and aldermen.

(10) Institutions. No service.

(11) Industry. No service.

(12) Public utilities. No service. (2005 Code, § 17-111, as amended by Ord. #729-21, Sept. 2021, modified)

17-112. Placement of containers. It shall be the responsibility of each business, apartment house, or mobile home park to provide the containers in such size as deemed necessary by the board of mayor and aldermen. Further, the purchase and/or lease of the container specified shall be from the contractor and adaptable to his mechanical system. Further, the geographic location of these containers shall be as deemed necessary by the board of mayor and aldermen to ensure a highly mechanized and functional system. (2005 Code, § 17-112)

17-113. Trespassing on dumpsters. (1) All garbage disposal dumpsters located within the Town of Erwin are hereby set aside as depositories for garbage, refuse, etc., which accumulates from businesses being operated within said town.

(2) All residents of the Town of Erwin are hereby prohibited from using dumpsters located within the town limits of the town as depositories for garbage, refuse, etc., which accumulates on the premises where they reside.

(3) All persons residing and/or operating businesses outside the town limits of Erwin, Tennessee, are hereby prohibited from using dumpsters located within the town limits of the town as depositories for garbage or refuse of any kind. (2005 Code, § 17-113)

17-114. Burning regulated. It shall be unlawful for any person, firm, or corporation to burn upon any lot or parcel of land any paper, rags, rubber, or any other refuse or garbage, by whatever name called, nearer than one hundred fifty feet (150') to any business building.

However, this section shall not apply where such paper, rags, rubber, or other refuse or garbage is burned in wire baskets or wire retainers so as to prevent the scattering of same. (2005 Code, § 17-114)

17-115. Collection service provided by the town for building materials. The following regulations apply to the collection of building materials by the town.

(1) No building materials created by the work of a contractor under a contract or other work arrangement with the property owner and/or occupant will be collected. It is the responsibility of the property owner and/or occupant to contract with his or her contractor or with another individual for the removal of any such building materials.

(2) No building materials will be collected from any property unless and until the proper building permits are obtained and paid for by the property owner or occupant.

(3) Only those building materials which are properly containerized in cans as provided in this chapter or in strong cardboard boxes each having a maximum weight of fifty (50) pounds and a maximum length of four feet (4') shall be collected.

(4) In no event will the town pick up roofing materials or shingles, aluminum or board siding, wire fencing, plywood or other types of sheeting, or any other material unless properly containerized as provided herein, and at no time will the town pick-up anything that has to be shoveled from the ground. (2005 Code, § 17-115)