

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

1. REFUSE.
2. SOLID WASTE.

#### CHAPTER 1

#### REFUSE

#### SECTION

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**17-101. Refuse defined.** Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1976 Code, § 8-101)

**17-102. Premises to be kept clean.** All persons within the municipality are required to keep their premises in a clean and sanitary

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

condition, free from accumulations of refuse except when stored as provided in this chapter. (1976 Code, § 8-102)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. The owner(s) of all properties consisting of four (4) or more non transient residential rental units shall provide a minimum of one (1) dumpster for use by the occupants of the units. The location of the dumpster(s) shall be approved by the sanitation department, prior to placement. (1976 Code, § 8-103, as amended by Ord. #2486, Sept. 2015)

**17-104. Location of containers.** Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the municipality for the collection of refuse therefrom. (1976 Code, § 8-104)

**17-105. Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1976 Code, § 8-105)

**17-106. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city manager shall designate. Collections shall be made regularly in accordance with an announced schedule. (1976 Code, § 8-106)

**17-107. 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 alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1976 Code, § 8-107)

**17-108. Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited. (1976 Code, § 8-108)

**17-109. Rules and regulations authorized.** The city manager is hereby authorized to promulgate rules and regulations as may, from time to time, be required, including, but not limited to:

(1) Precollection practices, including the types of containers authorized, the use and maintenance of such containers, methods of accumulation and separation and authorized places and methods of storage.

(2) Collection practices, including times of collection, prohibited items, location of collection and placement of refuse containers, maximum size and weight of containers and special collection procedures for certain items.

(3) Post collection practices, including hauling and disposal of waste substances, repair of containers, cleanliness of collection sites and containers. (1976 Code, § 8-109)

**17-110. Procedure for adoption.** Any rules and regulations proposed by the city manager shall first be presented to the board of commissioners of the City of Gatlinburg for their review.

Following such presentation, the proposed rules and regulations shall become effective thirty days after a public notice is published in a newspaper of general circulation in the city that such rules and regulations are being adopted. From and after this publication, three copies of the rules and regulations shall be on file and available at city hall for public inspection.

Any regulations adopted by the procedures set forth in this section shall be deemed to have been ratified and adopted by the board of commissioners. (1976 Code, § 8-110)

**17-111. Animal resistant garbage collection devices.** From and after June 1, 2000, all garbage containers, dumpsters or equipment used to store garbage, not otherwise located within an approved enclosure prior to municipal or private pick-up in the areas described as follows: The entire area within the city limits on the west side of the Foothills Parkway; the area north of the National Park Service boundary on either side of the western prong of the Little Pigeon River between Parkway and the Foothills Parkway boundary bounded

on the north by LeConte Street and the Skyland Park and Winfield Heights Subdivisions; the entire area between the National Park Service boundary on the South and Southeast city limits from Low Gap Road on the east and to the South of Highway 321 and Parkway, and as shown on a map dated December,

1994 (revised as of February 18, 1998), on file at the offices of the city manager and incorporated herein by reference, shall be of a type which shall be resistant to animals being able to open, overturn or remove garbage from them. Each type of container shall be of a design approved by the city building official. This requirement shall not apply to containers that are also enclosed within fences or other enclosures which do not allow entry by scavenging animals or are located inside a structure such as a house, building or other enclosed structure and are taken to a city or county approved garbage collection site by the owner. (Ord. #2188, Sept. 1999)

**17-112. Enclosures.** All garbage containers in said areas of a type which do not meet city standards as being animal resistant shall be fully enclosed in a manner to prevent entry by animals. Such enclosures shall be approved in advance by the city building official. Any such enclosure which does not prevent the entry of animals and removal of garbage from the enclosure shall be modified by the owner to prevent such entry and removal. Owners who are notified of a deficient enclosure shall have sixty (60) days to cure such deficiency. All garbage containers of a type not resistant to animals shall be so enclosed by June 1, 2000. Every animal resistant enclosure shall be properly secured. Failure to keep such enclosure secured and closed shall also be a violation of this section. (Ord. #2188, Sept. 1999)

**17-113. Grease.** The provisions of §§ 17-111 and 17-112 shall also apply to containers and enclosures used to store grease and the contents of grease traps. (Ord. #2188, Sept. 1999)

**17-114. Restaurants.** All restaurants within the city limits of the City of Gatlinburg shall be required to comply with the provisions of §§ 17-111 through 17-113 with regard to garbage containers and/or enclosures for the storage of garbage containers and grease. (Ord. #2188, Sept. 1999)

**17-115. Garbage collection.** The city will not collect garbage which is not placed in an animal resistant container unless it is placed within an approved enclosure, as required in §§ 17-111 through 17-114. The provisions of §§ 17-111 and 17-112 shall not apply to curbside garbage collection containers within the downtown business district. (Ord. #2188, Sept. 1999)

**17-116. Financial assistance.** Those persons living within the areas where animal resistant containers or enclosures are required may be eligible for

financial assistance to defray a portion of the cost of compliance. Those persons who qualify for project assistance as determined by the Douglas Cherokee Economic Authority shall be eligible for a grant from the city in an amount not to exceed 50% of the actual cost of compliance. (Ord. #2188, Sept. 1999)

**17-117. Injunctive or other relief.** In addition to any penalty, violation of the provisions of this chapter may be remedied by obtaining injunctive relief, or by a restraining order, or other appropriate equitable remedy by the city. (Ord. #2188, Sept. 1999)

**17-118. Penalty.** Every person who shall violate any provision of this chapter shall be punished by a fine not to exceed \$500 per offense. Each day that a violation shall occur shall be a separate offense. (Ord. #2188, Sept. 1999)

## CHAPTER 2

### SOLID WASTE

#### SECTION

- 17-201. Solid waste pick-up/disposal fees.
- 17-202. Residential rates.
- 17-203. Financial assistance.
- 17-204. Commercial rates.
- 17-205. Temporary discontinuance of service.
- 17-206. Collection and discontinuance of service.
- 17-207. Placement and pick-up of commercial waste.

**17-201. Solid waste pick-up/disposal fees.** There are hereby established solid waste pick-up/disposal fees for the collection of garbage and refuse within the city limits of the City of Gatlinburg. The rates and charges for the user fees so established shall be as set forth in this chapter. (1976 Code, § 13-601)

**17-202. Residential rates.** The rates for residential availability and services are as follows:

- \$3.00 per month availability of service fee.
- \$6.00 per month for once per week pick-up.
- \$9.00 per month for three times per week pick-up.

Residential solid waste customer within the zone required to have animal resistant containers as set forth in Gatlinburg Municipal Code § 17-111, et seq. shall be provided additional hardware by the city to secure the residential garbage containers. Said hardware will be installed by city employees at no expense to the residential customers. The city hereby imposes a one-time charge to each residential customer being provided said hardware in the amount of \$5.00. Said charge shall be added to the customer's solid waste bill the month following installation. Residential customers within the zone not placing their garbage outside for city pick-up and those who have installed such hardware approved by the city building official shall be exempt from this requirement. (1976 Code, § 13-602, as amended by Ord. #2277, Sept. 2002)

**17-203. Financial assistance.** Residents who are financially unable to bear the cost of these fees shall be eligible for assistance. Residents meeting the eligibility criteria for project assistance as established by the board of commissioners of the City of Gatlinburg in Resolution #560 and who are so certified by the Douglas Cherokee Economic Authority shall be exempt from the user fees set forth in § 17-202 above. (1976 Code, § 13-603)

**17-204. Commercial rates.** The rates for commercial services shall be as follows:

\$10.00 per month for businesses without dumpsters receiving every other day pick-up.

\$15.00 per month for businesses without dumpsters receiving daily pick-up.

\$ 8.00 per dumpster per month for every other day pick-up.

\$12.00 per dumpster per month for every day pick-up.

\$ 8.00 per month for businesses without dumpsters receiving once per week pick-up.

\$ 6.00 per month for businesses with dumpsters receiving once per week pick-up.

(1976 Code, § 13-604)

**17-205. Temporary discontinuance of service.** Residential or commercial customers may temporarily discontinue their service when the residence or business is temporarily unoccupied upon notifying the City of Gatlinburg in writing. Any customer who has temporarily discontinued service shall remain liable for the \$3.00 per month availability charge set forth in § 17-202.

Customers presently receiving more than once per week pick-up may request less frequent garbage pick-ups and will be billed accordingly. (1976 Code, § 13-605)

**17-206. Collection and discontinuance of service.** Solid waste pick-up/disposal fees shall be collected by the finance department and shall be included on customer's utility bills for water and sewer services. Any customer failing to pay the fees so imposed shall be subject to discontinuance of garbage collection service and cut-off procedures shall be the same as those established and used by the water and sewer departments. (1976 Code, § 13-606)

**17-207. Placement and pick-up of commercial waste.** Commercial waste may be placed curbside only at closing each night, with all trash bagged and boxes broken down. Curbside pick-up of commercial trash, where available, will occur after hours only, with times to be set seasonally by the city manager. Special-need commercial waste pick-ups may be obtained from the city at an additional charge of \$25.00. The curbside receptacles placed by the City of Gatlinburg shall be limited to non-commercial, visitor use only and may not be used for the placement of commercial waste. (Ord. #2192, Sept. 1999)