

**TITLE 17****REFUSE AND TRASH DISPOSAL<sup>1</sup>****CHAPTER****1. MUNICIPAL SOLID WASTE MANAGEMENT.****CHAPTER 1****MUNICIPAL SOLID WASTE MANAGEMENT****SECTION**

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**17-101. Definitions.** As used in this chapter, these terms are defined as follows unless otherwise indicated:

(1) "Bags." Plastic sacks designed to store refuse or recyclables with sufficient wall strength to maintain physical integrity when lifted by top that may possibly be utilized for solid waste and recyclable materials pick up.

(2) "Bulky waste." Stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers.

(3) "Bundle." Tree, shrub and brush trimmings and magazines securely tied together forming an easily handled package not exceeding four (4) feet in length, or 75 pounds in weight.

(4) "City." City of Lakeland, Tennessee.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(5) "Commercial solid waste." All garbage and rubbish generated by a producer at any commercial establishment, including any private, public or non-profit entity.

(6) "Commodity." Material that can be sold in a spot or future market for processing and use or reuse. Each commodity shall retain its own identity and be kept separate.

(7) "Commodity buyer." A buyer or processor of recyclable materials delivered by city or contractor.

(8) "Construction debris." Waste building materials resulting from construction, remodeling, repair or demolition operations.

(9) "Containers, residential." (a) Twenty (20) to ninety-six (96) gallon "roll-out" or "carry-out", receptacles 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 rodents and insects.

(b) An eighteen (18) gallon receptacle designed for the purpose of curbside collection of recyclable materials, constructed of plastic or fiberglass that has been accepted by the city for curbside recycling.

(c) Bags as defined in (1) above.

(10) "Containers, commercial." "Dumpster" type or "Roll-on" type container of sufficient capacity for garbage, refuse or waste pick-up (except recyclables) generated from commercial establishments, private clubs and public or non-profit entities.

(11) "Contractor." The person, corporation or partnership performing solid waste collection, disposal and materials recycling under contract with the city.

(12) "Dead animals." Animals or portions thereof equal to or greater than ten (10) pounds in weight that have expired from any cause, except those slaughtered or killed for human use or consumption.

(13) "Disposal site." A refuse depository including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers and/or recycling sites, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals to receive refuse, dead animals or recyclable materials for processing or final disposal.

(14) "Garbage." Any and all dead animals of less than ten (10) pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter and all putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents; except (in all cases) any matter included in the definition of bulky

waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

(15) "Hazardous waste." Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law. This shall also include motor oil, gasoline, paint and paint cans.

(16) "Household hazardous waste." Solid wastes discarded from homes or similar sources listed in 40 CFR 261.4(b)(1) that are either hazardous wastes as listed by EPA in 40 CFR, Parts 261.33 (e) or (f), or wastes that exhibit any of the following characteristics as defined in 40 CFR Parts 261.21 through 261.24; ignitability, corrosivity, reactivity, and TCLP toxicity.

(17) "Household waste." Any waste material, including garbage, trash and refuse, and yard waste derived from households. Households include single and multiple residences, campgrounds, picnic grounds and day-use recreation areas.

(18) "Landfill." Any land used for the disposal of municipal solid waste or baled waste by filling or covering.

(19) "Municipal solid waste." Any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste, and any other material resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities which are required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to Tennessee Code Annotated, title 68, chapter 31; provided, however, that "municipal solid waste" does not include the following:

(a) Radioactive waste.

(b) Hazardous waste as defined in Tennessee Code Annotated, § 68-46-104.

(c) Infectious waste.

(d) Materials that are being transported to a facility for reprocessing or, reuse, but provided, further, that reprocessing or reuse does not include incineration or placement in a landfill.

(e) Industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.

(20) "Producer." An occupant of a residential or commercial unit who generates garbage waste or municipal solid waste.

(21) "Recovered materials." Those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation processing.

(22) "Recyclable materials." Those materials which are capable of being reused or returned to use in the form of raw materials or products, whether or not such materials have been diverted or removed from the solid waste stream.

(23) "Recycling." Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(24) "Refuse." Residential, commercial, and bulky waste, construction debris and stable matter generated at a residential or commercial unit unless otherwise indicated.

(25) "Residential solid waste." All garbage, refuse and rubbish generated by a producer at a residential unit.

(26) "Residential unit." (a) A dwelling within the corporate limits of the city occupied by a person or group of persons comprised of not more than one family. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto.

(b) Apartments of condominium dwellings, whether of single or multi-level construction, consisting of four or less contiguous or single-family dwelling units, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit shall be billed separately as a residential unit.

(c) Mobile home parks, KOA cabins and RV sites shall be treated as individual residential units for recyclable material pick up except that these units shall be commercially billed as one (1) unit to the facility owner/operator as a commercial producer by that entity providing garbage, refuse and rubbish collection.

(27) "Rubbish." All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded materials, used and discarded clothing, used and discarded shoes and books, combustible waste pulp and other products such as are used for packaging or wrapping, crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter.

(28) "Solid waste." As defined in Tennessee Code Annotated, § 68-31-103(7), but does not include recovered materials.

(29) "Solid waste management." The storage, collection, transfer, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

(30) "Solid waste management facility." Any facility the primary purpose of which is the storage, collection, transfer, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. A recovered materials processing facility is not a solid waste management facility.

(31) "Solid waste stream." The system through which solid waste and recoverable materials moves from the point of discard to recovery or disposal.

(32) "Stable matter." All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

(33) "Tire." The continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

(34) "Used oil." Any oil which has been refined from crude or synthetic, or recovered oil and, as a result of use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and may be economically recyclable or may be burned as fuel.

(35) "Waste tire." A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(36) "Yard waste." Vegetative matter resulting from landscaping, lawn maintenance, and land clearing operations other than mining, agricultural, and forestry operations. (1989 Code, § 8-201, modified)

**17-102. Premises to be kept clean.** All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulation of solid waste, except when stored as provided in this chapter. (1989 Code, § 8-202)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premise within this municipality where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. Said 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 ninety-six (96) gallons, except that this maximum capacity shall not apply to larger containers which the city or contractor handles mechanically. Furthermore, except for containers which are handled mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. Recyclable materials containers and/or bags shall be provided to each residential unit for their use in which recyclable materials are to be accumulated for weekly curb/street side pick-up as shall be scheduled by the city or contractor. Residents shall be responsible for security of these containers and may be billed for any loss thereof. No refuse shall be placed in a refuse or recyclable materials 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. Items of refuse such as, but not limited to, cardboard and pasteboard boxes and cartons shall be cut and broken down or collapsed so that they will lay flat in a collapsed condition so as to conserve space. (1989 Code, § 8-203)

**17-104. Location of containers.** Where alleys are used by the city's 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 city's 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 be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied (which in no event shall be longer than twelve (12) hours) they shall be removed by the owner to within, or to the rear of his premises and away from the curb/street line until the next scheduled time for collection. On any premises for which a charge is paid for non-curb pickups, containers shall be placed in a location mutually agreeable to the customer and the city or contractor. Furthermore, all commercial sites shall provide enclosed/screened positions for dumpsters and/or roll-on-off containers to preclude visibility from the fronting or adjacent streets. (1989 Code, § 8-204)

**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. (1989 Code, § 8-205)

**17-106. Exclusive city function.** Except as otherwise herein provided, only the city or its designated contractors shall engage in the business of collecting, removing, or disposing of residential municipal solid waste or recyclable materials within the corporate limits. The city may provide such service either with its own resources or by contractors or by both. Commercial entities shall individually provide for the removal of solid waste and recyclable materials. (1989 Code, § 8-206)

**17-107. Exceptions.** Nothing in this chapter shall prevent:

(1) Any refuse producer from collecting, removing and disposing of his own refuse, provided he does so in such manner as not to create a nuisance and provided further that he pays all applicable disposal fees.

(2) Any licensed junk dealer from collecting refuse recognized as having a salvage value, provided such dealer may collect such salvageable material only from premises where he has a written invitation from the occupant.

(3) Any refuse producer or owner from selling or giving salvageable materials to licensed junk dealers for collection, removal and disposal.

Those residents availing themselves of the foregoing provisions shall not be exempted from payment of the prescribed fees set by the board of commissioners pursuant to the mandated requirements of § 17-113 for solid

waste and recyclable materials collection and disposal services. (1989 Code, § 8-207)

**17-108. Collection.** All solid waste and recyclable materials accumulation within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the city manager or his designate. Collections shall be made regularly in accordance with an announced schedule.

Refuse containers, recycle bins and other items to be picked up shall not be in place earlier than dusk the day prior to the scheduled collection day, and must be removed prior to dusk on the scheduled collection day. (1989 Code, § 8-208)

**17-109. Collection vehicles.** The collection of solid waste and recyclable materials 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 collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of residue over the streets or alleys. (1989 Code, § 8-209)

**17-110. Disposal.** The disposal of solid waste and recyclable materials as defined by § 17-101 above in any quantity by any person in any place, public or private, other than at duly authorized site or sites designated for refuse by the board of commissioners is expressly prohibited. It shall likewise be unlawful for any person in any place, public or private, to dispose of those excluded materials listed in § 17-101 above within the corporate limits of the City of Lakeland without prior approval of the board of commissioners as well as the property owners concerned. If such action is approved, applicants must petition Memphis and Shelby County Health Department, Pollution Control Division to obtain proper landfill permits and regulations.

(1) Disposal in city prohibited; exception. It shall be unlawful for any person to dump, burn, bury or destroy or otherwise dispose of refuse within the city except that rubbish which may be permitted to be burned in accordance with the provisions of the Shelby County Fire Protection Code.

(2) Transportation into the city by nonresidents for deposit in city prohibited. No person who is not a resident of the city shall transport into or cause to be transported into the city any refuse for the purpose of depositing such refuse upon any ground, street or place within the city.

(3) Deposit on private property generally.

(a) The owner or his agent or the occupant of any premises within the city shall be responsible for the sanitary condition of the premises occupied by him and it shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any refuse except as designated by the terms of this chapter.

(b) No person shall throw or deposit refuse on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized receptacles for collection in such a manner that refuse will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any other private property.

(4) Deposit on vacant lot. No person shall throw or deposit refuse on any open or vacant private property within the city, whether owned by such person or not.

(5) Deposit on public property. It shall be unlawful for any person to throw, sweep, place or otherwise deposit any refuse on or in any street, sidewalk, gutter, park or other public property within the city.

(6) Deposit in fountains, lakes, etc. No person shall throw or deposit refuse in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the city.

(7) Method of depositing in receptacles. Persons placing refuse in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(8) Unlawful use of city-owned receptacles. It shall be unlawful for the owner, manager or any employee of a business establishment to deposit any refuse from such establishment in any city-owned receptacle placed on a street, sidewalk or other public place.

(9) Unlawful scavenging or removal of refuse or recyclable materials. It shall be unlawful for any person to scavenge or salvage refuse or recyclable materials from any refuse or recyclable materials container. (1989 Code, § 8-210, modified)

**17-111. Landfills.** Landfills within the corporate limits of the City of Lakeland are prohibited. (1989 Code, § 8-211, modified)

**17-112. Mandatory pick-up.** A mandatory residential solid waste and recyclable materials pick-up is hereby established to commence on or about October 1, 1991. All residents in the corporate limits of the City of Lakeland shall comply with the city pick-up and pay a service fee as adopted by resolution of the board of commissioners. This resolution shall outline all programs provided. Such fees shall be billed to residents in the manner prescribed in said resolution. Said services fee and corresponding programs or special case considerations may be adjusted at any time by a majority resolution vote of the board of commissioners. Commercial establishments shall individually provide for the removal of solid waste and recyclable materials. (1989 Code, § 8-212, modified)



**17-113. Violations.** Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the city manager shall be subject to a penalty of not more than fifty dollars (\$50.00) for each offense and each day such violation continues shall be deemed to be a separate offense.

(1) Notice and correction of violations. Whenever the city manager or designate determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefor. Such notice shall:

- (a) Be put into writing.
- (b) Include a statement of the reasons why it is being issued.
- (c) Be served upon the owner or his agent or the occupant of the premises where the alleged violation takes place.
- (d) Allow a reasonable time for the performance of any act required by such notice.

(2) The notice provided for in subsection (1) may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter. If such corrective action is not taken, the city manager may correct the same and, upon completion of the work, shall determine the reasonable cost thereof and bill the owner or tenant therefor.

(3) Whenever the city manager finds that a situation exists which endangers the public health he may, as an emergency measure, correct the same without any notice to the owner or occupant of the premises and, upon completion of the work, he shall determine the reasonable cost thereof and bill the owner or tenant therefor. This charge shall constitute a lien upon the property where the corrective measure is taken and such lien shall be enforced as are other tax liens of the city.

(4) The provisions of this section are not exclusive but cumulative and shall be in addition to the penalties imposed for a violation of this chapter. The notice provided for herein shall not be a prerequisite to prosecution for violating any provision of this chapter. (1989 Code, § 8-213)