

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. SOLID WASTE AND REFUSE COLLECTION.
2. HAZARDOUS WASTES AND SUBSTANCES.
3. PRIVATE CURBSIDE RECYCLING.

CHAPTER 1

SOLID WASTE AND REFUSE COLLECTION

SECTION

- 17-101. Definitions.
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17-101. Definitions. (1) "Bulk container" is a "Class II" or "Class III" or "Class IV" container.

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

(3) "Class I Container" is a City of Maryville roll out container on wheels with a capacity of eighty to one hundred (80 – 100) gallons that is rolled to the street by the user to a point of collection designated by the city.

(4) "Class II Container" is a dumpster container with a capacity of four (4) cubic yards that remains at the point of collection designated by the city.

(5) "Class III Container" is a dumpster with the capacity of six (6) cubic yards that remains at the point of collection designated by the city.

(6) "Class IV Container" is a dumpster with the capacity of eight (8) cubic yards that remains at the point of collection designated by the city.

(7) "Commercial establishment" is any business, industrial, institutional or agricultural establishment, office or professional building,

¹Municipal code reference

Property maintenance regulations: title 13.

shopping center, multiple business complex, commercial housing facility, church, hospital, club or other similar organization.

(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, commercial housing facility, church, club or other similar organizations.

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

(10) "EPW director" shall be defined as Engineering and Public Works director or his/her designee.

(11) "Ferrous metals" shall mean appliances (including but not limited to refrigerators, freezers, stoves, and air conditioners), metal roofing and siding, and other metal items.

(12) "Hazardous waste" as defined by the State of Tennessee.

(13) "Multi family residential facility" is a structure or grouping of structures, apartment complex, or mobile home park which contains more than four (4) dwelling units.

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

(15) "Refuse" means solid waste.

(16) "Residential garbage" means all household wastes, including but not limited to food waste, bottles, wastepaper, tin cans, clothing, mechanical parts, small dead animals, and rubbish, excluding tree limbs, shrubbery trimmings, leaves, construction waste, human or animal excreta or fecal matter, large dead animals, and "bulk rubbish."

(17) "Residential garbage" means garbage resulting from the operation and maintenance of dwelling units, excluding commercial housing facilities.

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

(19) "Single family residential facility" is a single structure containing four (4) dwelling units or less and not operated as a part of a commercial housing facility.

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

(21) "Yard wastes" means grass clippings, leaves, tree and shrubbery trimmings, and other related yard waste materials. (1985 Code, § 8-101, as replaced by Ord. #2008-59, Dec. 2008)

17-102. Responsibility for administration. (1) The EPW director shall have the authority to make and modify regulations as necessary concerning days of collection, distribution and location of containers, and such other matters pertaining to the collection, transporting and disposal of solid waste, provided such regulations are not in violation of the provisions of this chapter.

(2) The EPW director may levy charges for cost of services that exceed authorized level of services as contained in this chapter, provided such cost is not in conflict with this chapter.¹

(3) The EPW director shall from time to time review the city's cost of the container and set a purchase fee not to exceed actual cost to the city.

(4) The EPW director shall be responsible for the enforcement of this chapter. (1985 Code, § 8-102, as replaced by Ord. #2008-59, Dec. 2008)

17-103. Single family residential housing facilities, containers, and collection procedures. (1) Containers--ownership: types.

(a) Ownership. All owners of single family residences within the City of Maryville are to pay for an initial garbage container provided by the city. The container will be dedicated to that specific address.

(b) Types. Owners of single family residences will be responsible for providing and/or replacing lost containers (maximum of four (4)). The type of container/containers provided and its/their location for collection will be determined by the EPW director and his/her decision shall be based primarily on operational cost effectiveness for the city. It shall be the responsibility of the residential housing facility owner to control the use of city owned containers assigned for the use of the occupants and to manage allotted capacity. A Class I container shall be authorized for each house, apartment, mobile home or other living unit of a residential housing facility. Owners of residential housing facilities containing more than one (1) unit may be required to supply Class II or Class III or Class IV containers, and adjacent residential housing facilities may be required to jointly use a Class II or Class III or Class IV container, whichever is more cost effective for the city.

(2) Collection procedures; general regulations. (a) Residential garbage intended for collection by the city shall be placed in a Class I container. Frequency of collection for residential housing facilities is one (1) time per week. If more capacity is needed above which the city assigns, the owner shall provide additional approved containers at his expense, make other disposal arrangements, or convert to Class II or Class III or Class IV containers. Customer may pay a fee for extra

¹Ord. #87-24 provides: "That the City of Maryville establish the purchase price of a Class I roll out container, determined by the EPW Director.

containers. Extra containers may not be moved outside of city, but may be moved to new residence inside city.

(b) A Class I container must be paid for by the builder, developer, contractor, or purchaser at the time that building permits are issued.

(c) On the scheduled day of collection, all roll out containers must be placed at the edge of the street, curb or other designated location approved for pick up. Containers shall be placed in such a location and manner as to be readily accessible with city collection equipment. Containers must not be placed in a location for pick up so as to interfere with overhead power lines, fire hydrants, utility poles, mailboxes, tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance.

(d) Containers shall be placed for collection no earlier than 5:00 P.M. on the day before collection and no later than 6:00 A.M. on the day of collection. Roll out containers are not permitted to remain at the curbside collection point later than 7:00 P.M. on the day of collection.

(e) All roll out containers shall remain the property of the city and shall remain at the property address where delivered, regardless of fees paid.

(f) All containers serviced by the city collection equipment which are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant/property owner shall be replaced or repaired at the expense of the occupant/property owner, whichever in the opinion of the city is most cost effective.

(g) Responsibility to keep container clean is the property owner's.

(h) Leaving containers at curbside except during the period specified for collection, or not otherwise secured, constitutes neglect by the occupant/property owner.

(i) Containers which are damaged or destroyed by the city collection equipment in the course of routine services, or through normal wear and tear which is through no fault of the user, shall be repaired or replaced at no charge to the user.

(j) Bulk rubbish and construction waste as defined in § 17-101(4) and (5) are hereby prohibited from being placed in the Class I roll out containers.

(k) All garbage must be placed in plastic bags suitable for garbage. Bags must be of adequate quality. (1985 Code, § 8-103, as replaced by Ord. #2008-59, Dec. 2008)

17-104. Commercial collection procedures; containers; general regulations. (1) Commercial solid waste intended for collection by the city shall be placed in a city-approved container. The owner or developer of all new

commercial establishments including multi family facilities within the City of Maryville shall at their expense prior to their first pick up supply a city-approved commercial waste container suitable for handling the volume and type of waste generated. The container size and type shall be determined by the EPW director. The container will be replaced or maintained at the expense of the owner of the commercial establishment.

(2) Commercial establishments shall provide containers based on the amount of solid waste generated and cost effectiveness for city collection operations. These containers will be serviced by the city as outlined in (a) and (b) below:

(a) Service level for Class II containers and Class III containers shall be one (1) time per week pick up.

(b) Service level for Class IV containers shall be as needed but not to exceed three (3) times per week free pick up. The same shall apply to establishments with two (2) or more containers provided containers are located in the same general area. The engineering and public works director, or his/her designee, shall have the authority to negotiate the cost of service needed above the maximum three (3) times per week free service.

(3) Bulk containers shall at all times be kept in a place easily accessible to city equipment. No service shall be given those establishments permitting objects, obstructions, or vehicles to hinder in any way whatsoever the servicing of said containers. Containers will not be serviced in any other location than what is approved by the EPW director.

(4) The EPW 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 EPW director shall submit the district boundaries to the Maryville Regional Planning Commission 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 except as otherwise provided in this chapter.

(6) The EPW director may, due to high volume/high density of solid waste generated, approve a container/system that would require special handling by other than city owned equipment at owners expense, if it is determined to be in the cost effective interest of the city or the city is unable to provide suitable services.

(7) Nothing in this section shall prohibit commercial establishments from removing their own solid waste or from contracting with a private collector for such removal provided said private collector shall have a valid permit or license to do business within the city.

(8) A commercial establishment may elect to use the Class I residential roll out container system and receive service the same as in residential collection. In the event an owner of a commercial establishment elects the

residential roll out container system, then at a future date wishes to change to a Class II or Class III or Class IV container, he shall pay the cost of such container as required for new establishments.

(9) 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 and handling equipment on an approved site plan to the EPW director prior to beginning construction.

(10) Dumpsters no larger than eight (8) yard and no smaller than four (4) yard are allowed.

(11) If customer uses a slant lid dumpster, they must not overload dumpster and must make certain lids are shut properly.

(12) City is not responsible for damage of dumpsters through customer neglect (overloading). (1985 Code, § 8-104, as replaced by Ord. #2008-59, Dec. 2008)

17-105. Premises to be kept clean. (1) It shall be unlawful for any person or persons owning, leasing, occupying or having control of property within the corporate limits, regardless of whether such property is vacant or contains structures thereon, to permit the accumulation of residential 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.

(2) Owner of property is responsible to maintain driving surface, gates, screening and dumpster pad. (1985 Code, § 8-105, as replaced by Ord. #2008-59, Dec. 2008)

17-106. Prohibited substances and practices. (1) The following substances are hereby prohibited and shall not be deposited in containers serviced by the city garbage collection equipment:

(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 which could cause damage to city equipment.

(c) Construction waste as defined in § 17-101(5).

(d) Hot materials such as ashes, cinders, etc.

(e) Human or animal waste shall be prohibited being placed in residential garbage containers unless it is placed and secured in a plastic bag or suitable paper bag.

(f) 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. 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 lived and attenuated vaccines, and culture 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. Discarded sharps from a single family residential application shall be placed in puncture proof plastic resealable containers.

(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 infection wastes. Other wastes determined to be infectious by a written facility policy.

(g) Human/animal remains shall be prohibited being placed in residential garbage containers.

(h) If customer forces/wedges items in dumpster not allowing items to empty properly, the items must be removed/loosened by customer.

(2) The following practice is prohibited and it shall be unlawful for any person to move, remove, upset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage or interfere with the residential garbage container. (1985 Code, § 8-106, as replaced by Ord. #2008-59, Dec. 2008)

17-107. Yard waste, bulk rubbish, and other refuse. (1) Yard waste-brush collection. (a) Placement of brush for collection. All brush (tree limbs, shrubbery and hedge trimmings, etc.) must be placed on

owner's property at the edge of a street or serviceable alley easily accessible with city collection equipment to be picked up during bulk/brush collection zone. 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, fences or structures, phone boxes, electric boxes, invisible fencing, or any item which could be damaged by collection equipment.

(b) Piling of brush for collection. All brush shall be neatly stacked in an unscattered manner. Small trimmings should be stacked on top of larger ones with butt ends pointed in the same direction. 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.

(c) Separation of items to be collected. Brush, yard wastes, ferrous metals, and bulk rubbish must be placed in separate piles for the purpose of collection. Bricks, rock, dirt, shingles, concrete and liquids, shall not be collected, nor shall said items be mixed with other items to be collected.

(d) Length and size of brush. All tree limbs longer than twelve feet (12') in length must be cut in half and stacked as required. If collection cannot be made due to size, a notice will be given to resident with explanation.

(e) Grass clippings and leaves. Except during seasonal leaf collection as outlined in (5) below, all leaves and grass clippings collected by the city shall be placed in plastic bags or other disposable containers.

(2) Refuse generated through private enterprise. The City of Maryville shall not be responsible for the collection and disposal of construction waste, bulk rubbish, or any other forms of solid waste generated or produced by contractors 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 projects or improvements.

(3) Bulk rubbish (junk) service. (a) Except during a special city/county wide cleanup campaign, bulk rubbish service will be performed on the same schedule as brush collection. Bulk rubbish shall not be placed at the street for collection more than three (3) days before the zone is to be picked up.

(b) Tires must be separated from rims. A maximum of six (6) tires can be collected in one (1) month pickup. A maximum of twelve (12) tires can be collected per year.

(c) 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 of Maryville, to violate or permit to be violated the requirements of this code section.

(d) Excessive amounts of brush or junk will not be picked up.

(4) The EPW director 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.

(5) Seasonal leaf collection. Fall leaf collection will begin between October 15 and November 15 depending on climatic conditions and will continue through January. The engineering and public works department will schedule a two (2) week period in early spring in order to collect leaves from late shedding trees. The schedule will be announced through the local news media. Following this two (2) week period, all leaves must be placed in plastic bags for collection. (1985 Code, § 8-107, as replaced by Ord. #2008-59, Dec. 2008)

17-108. Violations. (1) Any person violating any of the provisions of this chapter (with the exception of § 17-106(1)(f)) shall be served by the city with written notice stating the nature of the violation and provide satisfactory immediate correction thereof. The offender shall within the period of time stated in such notice permanently cease and correct all violations.

(2) Any person who shall continue any violation beyond the time provided for in § 17-108(1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(4) Any person violating § 17-106(1)(f) of this chapter shall be served by the city with a written notice stating the nature of the violation and provide immediate correction. If a correction has not been made within the specified time limit, such person shall be in violation of this chapter and may:

(a) Be charged and tried in city court for such violation and punished under the general penalty clause of this code, or;

(b) The State of Tennessee Division of Solid Waste may be notified and requested to assume the responsibility for the enforcement of applicable state statutes involving such violation or violations. (1985 Code, § 8-108, as replaced by Ord. #2008-59, Dec. 2008)

CHAPTER 2

HAZARDOUS WASTES AND SUBSTANCES

SECTION

- 17-201. Definitions.
- 17-202. Disposal of hazardous wastes.
- 17-203. Exemptions.
- 17-204. Inspections.
- 17-205. Right of entry.
- 17-206. Penalties.
- 17-207. Injunctive relief.

17-201. Definitions. For the purposes of this chapter, the following words and phrases shall have the following meaning:

(1) "Hazardous substance." Means any substance, combination of substances or mixtures defined as a "hazardous substance" in 40 CFR, chapter 1, part 116 which is not specifically excluded under this chapter of the Maryville Municipal Code.

(2) "Hazardous substance disposal site." Means any chemical waste landfill or incinerator used to dispose of hazardous substances.

(3) "Hazardous waste." Means any substance, combination of substances or mixtures defined as "hazardous waste" in 40 CFR, chapter 1, part 261, subpart A, section 261.3 which is not specifically excluded under section 261.4 (b) under said title or this chapter of the Maryville Municipal Code. The provisions of 40 CFR, part 261, subpart A, section 261.2, 261.3 and 261.4 and corresponding sections of subparts C and D and appendices cited therein, which define, describe, and identify hazardous waste are hereby incorporated by reference into this section and made a part hereof the same as if each were set forth fully herein. All subsequent amendments to said provisions of subparts C and D and appendices cited therein which define, describe, and identify hazardous waste, and the sections of subpart B specifically delineated herein, automatically become a part of this section as of the effective date of each amendment, subject to the provisions of this section. Hazardous wastes do not include chemical substances or mixtures listed in part I(A) (6) or any radioactive material.

(4) "Person." Means any natural or legally created artificial person including any individual, corporation, partnership, or association. "Person" includes any individual partnership, association or corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarder, as those terms are used in Interstate Commerce Act, as amended.

(5) "Radioactive material." Means any material or combination of material in which spontaneously emits ionizing radiation. Materials in which

the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials. (1985 Code, § 8-501, as replaced by Ord. #2008-59, Dec. 2008)

17-202. Disposal of hazardous waste. (1) No person shall knowingly discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake or pond, water course or ditch, into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substances within the corporate limits of the City of Maryville.

(2) No person shall knowingly cause any other persons by contract or otherwise to discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer, or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substance within the corporate limits of the City of Maryville.

(3) No person shall negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer, or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substance within the corporate limits of the City of Maryville. (1985 Code, § 8-502, as replaced by Ord. #2008-59, Dec. 2008)

17-203. Exemptions. (1) The provisions of this chapter shall not apply to the storage or disposal of hazardous waste and hazardous substances in any hazardous substance disposal site that is in compliance with applicable standards of either the United States Environmental Protection Agency or the Tennessee Department of Health.

(2) A person may petition the city council or its designee for an exemption from the requirements of this chapter, and the city council or its designee may grant in writing an exemption, where not precluded by state or federal law, if it finds that:

(a) Unreasonable risk of injury to health or environment would not result; and

(b) The best interest of the city would be served by granting an exemption.

(3) Any hazardous substance (e.g. herbicide, pesticide) being used in accordance with manufacturer's recommendations. (1985 Code, § 8-503, as replaced by Ord. #2008-59, Dec. 2008)

17-204. Inspections. The fire chief, fire marshal, or his/her designated representative, any law enforcement officer, or building, housing, or zoning inspector shall have the authority to inspect all structures and premises, as often as may be necessary for the purposes of ascertaining or causing to be corrected, any condition which may be a violation of this chapter, or otherwise enforcing any of the provisions of this chapter. (1985 Code, § 8-504, as replaced by Ord. #2008-59, Dec. 2008)

17-205. Right of entry. Whenever necessary for the purpose of enforcing the provisions of this chapter, or whenever the fire chief, fire marshal, or his/her designated representative, any law enforcement officer, or any building, housing or zoning inspector has reasonable cause to believe that there exists in any structure or upon any premises, any condition(s) which constitutes a violation of this chapter, said officials may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officials by law; provided that if such structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the official seeking entry shall recourse to every remedy provided by the law to secure entry. (1985 Code, § 8-505, as replaced by Ord. #2008-59, Dec. 2008)

17-206. Penalties. (1) Any person who knowingly or negligently violates any of the provisions of this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) for each such violation.

(2) If any violation of the provisions of this chapter is a continuing one, each day of such violation shall constitute a separate offense.

(3) The city attorney shall have the authority to commence an action in a court of competent jurisdiction to enforce the penalty provisions of this section. (1985 Code, § 8-506, as replaced by Ord. #2008-59, Dec. 2008)

17-207. Injunctive relief. Violation of the provisions of this chapter shall constitute a public nuisance. The city attorney shall have the authority to commence any action in a court of competent jurisdiction to enjoin the actions of any person who violates any of the provisions of this chapter. (1985 Code, § 8-507, as replaced by Ord. #2008-59, Dec. 2008)

CHAPTER 3

PRIVATE CURBSIDE RECYCLING

SECTION

- 17-301. Private curbside recycling business allowed.
- 17-302. Operators of private curbside recycling business to have permit from the City of Maryville.
- 17-303. Definition of private curbside recycling business.
- 17-304. Permit procedure – application form.
- 17-305. Permit fee.
- 17-306. Denial or approval of permit.
- 17-307. Denial of the permit.
- 17-308. Approval of the permit.
- 17-309. Appeal of the denial.
- 17-310. Expiration of withdrawal of permit.
- 17-311. Requirements for curbside recycling.
- 17-312. City-owned recycling centers.
- 17-313. Penalties for violation.

17-301. Private curbside recycling business allowed. Private curbside recycling businesses are permitted in the City of Maryville only pursuant to the terms and conditions set forth herein. Operation of any private curbside recycling business in a manner inconsistent with the terms of this chapter shall be deemed a violation of the city code and punishable under the general penalty clause. (as added by Ord. #2004-23, April 2004, as replaced by Ord. #2008-59, Dec. 2008)

17-302. Operators of private curbside recycling business to have permit from the City of Maryville. It shall be unlawful for any person or entity to operate or engage in a private curbside recycling business within the corporate limits of the City of Maryville without first obtaining a permit therefore in compliance with the provisions of this chapter. No permit shall be used at any time by any person or business other than the one to whom it is issued. (as added by Ord. #2004-23, April 2004, as replaced by Ord. #2008-59, Dec. 2008)

17-303. Definition of private curbside recycling business. A private curbside recycling business is a business run by a non-governmental entity which seeks to collect recyclable material from residences and businesses within the City of Maryville. Such businesses permit or require customers to place potential recyclable materials at a certain location on their property or on or adjacent to city rights-of-way adjacent to where a city residential garbage can

is placed for pick up by the private curbside recycling business. (as added by Ord. #2004-23, April 2004, as replaced by Ord. #2008-59, Dec. 2008)

17-304. Permit procedure – application form. Each permit application shall be in a form as required by the city recorder. All applications shall include a photograph or description of the proposed containers to be used for curbside recycling to the extent that such containers are intended to be placed on or adjacent to the city right-of-way for collection in conformity with the requirements of this chapter. The city may require the applicant to allow the city to physically inspect a sample of the proposed container prior to permit approval. (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008)

17-305. Permit fee. Each applicant for a permit as a private curbside recycling service shall submit an application form and a non-refundable fee of fifty dollars (\$50.00). (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008, and Ord. #2010-26, Sept. 2010)

17-306. Denial or approval of permit. Upon receipt of the application and the payment of the permit fee, an investigation shall be made of the applicant for the protection of the public health, safety and general welfare. (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008)

17-307. Denial of the permit. The permit shall be denied if an investigation discloses that:

(1) Any information in the application is materially false or misleading;

(2) The reputation or record of the applicant or those involved with the applicant are such that allowing the permit to issue would constitute a potential threat to the public health, safety, or general welfare of the citizens of the city; or

(3) The receptacle proposed for curbside recycling is unacceptable to the city. (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008)

17-308. Approval of the permit. If the investigation discloses no grounds for the denial of the permit, the city recorder shall issue the permit to the applicant. (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008)

17-309. Appeal of the denial. Any refusal to issue a permit may be appealed to the city manager. The aggrieved applicant may within ten (10) days following the date of the notice of the refusal to issue the permit appeal by giving the city manager written notice of the appeal stating the grounds for the

appeal. The city manager shall set a hearing on the appeal date within ten (10) days of the receipt of the appeal. A decision of the city manager shall be final. (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008)

17-310. Expiration or withdrawal of permit. The permit for a private curbside recycling business shall last for one (1) year from the date of issuance. An application for renewal shall be made substantially in the same form as the original application. An additional annual license fee of fifty dollars (\$50.00) is further required for each renewal permit. (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008, and Ord. #2010-26, Sept. 2010)

17-311. Requirements for curbside recycling. The following requirements shall be met by all persons who engage in curbside recycling from either residential or commercial facilities:

- (1) Curbside recycling shall be permitted only in approved containers.
- (2) Permit holders must obey all traffic and safety laws.
- (3) Curbside recycling shall be allowed only on the same day as residential garbage pick up service by the City of Maryville.
- (4) Depending on the size of the recycling containers, the number of curbside recycling containers to be placed curbside and on or adjacent to the city right-of-way near the city's residential garbage receptacle may be limited.
- (5) All curbside recycling containers shall be placed within four feet (4') of city residential garbage receptacles.
- (6) Curbside recycling containers shall not be placed in a location for pick up so as to interfere with parked cars, vehicles, traffic, or in any other way so as to create a hazard or nuisance.
- (7) Curbside recycling containers are permitted to be placed for collection adjacent to the city's residential garbage receptacles no earlier than 5:00 P.M. on the day before collection. Such containers are not permitted to remain at the curbside collection point after 7:00 P.M. on the day of collection.
- (8) Leaving containers at curbside except during the time specified for collection constitutes neglect by the occupant/property owner and shall be an offense punishable pursuant to the city's general penalty clause.
- (9) Volume of curbside recycling must not exceed containers provided to avoid items blowing into street. (as added by Ord. #2004-23, April 2004, and replaced by Ord. #2008-59, Dec. 2008)

17-312. City-owned recycling centers. The City of Maryville owns, operates, and maintains recycling centers in the city. Recyclables from these centers are transferred by the city to a recycling facility. City-owned recycling centers are for the use of City of Maryville residents and City of Maryville property owners only. Private curbside recycling businesses are not permitted

to dispose of items in the city-owned recycling centers. Recyclables collected by private curbside recycling businesses must be taken directly to a recycling facility by the private curbside recycling business itself. (as added by Ord. #2010-26, Sept. 2010)

17-313. Penalties for violation. A private curbside recycling business that fails to follow the requirements of this chapter, including, but not limited to, the requirements in city code §§ 13-311 and 13-312 is subject to having its permit revoked by the city thereby prohibiting it from operating a private curbside recycling business in the City of Maryville. This permit revocation is in addition to any penalties otherwise provided for a violation of city code punishable under the general penalty clause. (as added by Ord. #2010-26, Sept. 2010)