

**TITLE 17**

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

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE**

**SECTION**

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**17-101. Definitions.** For the purpose of administering this chapter, the following definitions shall apply:

- (1) "Bags." Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top with a total weight of a bag and its contents not to exceed thirty-five (35) pounds.
- (2) "Bin." A metal receptacle that can be lifted and emptied mechanically for use at commercial units, commonly referred to as a "dumpster."
- (3) "Bulky waste." Used and discarded mattresses and box springs, refrigerators, water tanks, washing machines, furniture, and other waste materials other than construction debris, dead animals, hazardous waste or yard waste with weights or volumes greater than those allowed for containers.
- (4) "Commercial refuse." All bulky waste, construction debris, garbage, and rubbish generated by a producer at a commercial unit.
- (5) "Commercial unit." All premises, locations or entities, public or private, require refuse collection within the corporate limits of Munford, which are not a residential unit.
- (6) "Construction debris." Waste building materials resulting from construction, remodeling, repair or demolition operations.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(7) "Containers." Strong, durable, and rodent and insect proof receptacles for holding and storing solid wastes prior to collection and disposal by the city, and meeting the following specifications:

Contractor or city-owned, 96-gallon rolling containers with attached lids and in "as new" condition.

(8) "Contractor." The person, firm, corporation, or partnership performing refuse collection and disposal under the terms of a contract with the City of Munford.

(9) "Curbside." Refers to that portion of the right-of-way adjacent to paved or traveled city roadways, including alleys.

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

(11) "Garbage." 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 (including but not limited to used tin cans and other food containers, and all putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents), any and all dead animals of less than ten (10) pounds, except those slaughtered for human consumption, except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or yard waste.

(12) "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.

(13) "Producer." An occupant of a residential or commercial unit that generates refuse.

(14) "Recyclable materials." Newsprint, glass, plastic containers, etc., which are placed in the recyclable materials containers or in some manner separated from the waste stream.

(15) Refuse. This term shall refer to residential and commercial garbage, bulky waste, construction debris, and yard waste generated at a residential or commercial unit unless the context otherwise requires.

(16) "Residential refuse." All garbage, rubbish, and yard wastes generated by a producer at a residential unit.

(17) "Residential unit." A dwelling within the corporate limits of the city occupied by a person or group of persons comprising not more than four (4) families. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of six (6) or less contiguous or separate 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.

(18) "Rubbish." All waste wood, wood products, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, 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, or hazardous waste.

(19) "Storm debris." Limbs, building debris and other materials generated by storms or other disasters.

(20) "White goods." Appliances, including but not limited to, clothes washers, dryers, cook stoves, refrigerators, dishwashers, etc.

(21) "Yard waste." All tree trimmings, dead trees, or branches thereof, grass clippings, garden trimmings, brush trimmings, weeds and roots from which all dirt has been removed. Trees and branches shall be a maximum of five feet (5') in length and no more than five inches (5") in diameter. (1984 Code, § 8-201, as replaced by Ord. #2013-05-01, Aug. 2013)

**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 accumulations of refuse except when stored as provided in this chapter. (1984 Code, § 8-202, as replaced by Ord. #2013-05-01, Aug. 2013)

**17-103. General collection and storage regulations.** (1) Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the city where refuse accumulates or is likely to accumulate, shall secure and keep covered an adequate number of refuse containers as defined in this title. Furthermore, except for containers that the city or its contractor 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 and brush clippings, and similar materials shall be cut to a length not to exceed five feet (5') and five inches (5") in diameter and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection.

(2) City employees and those employed by the city's contractor are not authorized to enter garages or to collect from porches. No employee of the city or its contractor is required to enter any area where a vicious animal is harbored.

(3) Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any 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.

(4) **Burning.** It shall be unlawful to burn trash or garbage in any container used for garbage pick-up and no such container shall be emptied by the city or its contractor when there is evidence of burning. (Ord. #94-2, Jan. 1994, as replaced by Ord. #2013-05-01, Aug. 2013)

**17-104. Residential collections.** (1) it is hereby declared the exclusive right of the City of Munford to engage in the collection, removing, and disposal of residential refuse within the corporate limits of the city. It shall be unlawful for any person other than the city or its authorized contractor to engage in the business of collecting, removing, and disposing of residential refuse in the city, except those private collectors specifically authorized by the city. This does not prohibit establishments from collecting and hauling their own refuse so long as such refuse is stored, collected and hauled as prescribed in this chapter.

(2) Containers shall be placed at curbside by 6:00 A.M. on the designated collection day. Empty containers shall be removed from curbside within twenty-four (24) hours after collection.

(3) Weekly pick-up shall be established according to a schedule approved by the board of mayor and aldermen.

(4) All collections from residential units shall be collected at the curb and only refuse within the container(s) shall be collected. Loose refuse or bagged refuse will not be collected. When construction work is being performed in the right-of-way which prohibits placement of the containers at the curbside, containers shall be placed as close as practicable to an access point for the collection vehicle. (Ord. #94-2, Jan. 1994, as replaced by Ord. #2013-05-01, Aug. 2013)

**17-105. Commercial collection.** Each commercial producer shall have its solid wastes collected at least one (1) time per week by the vendor of their choosing, and may arrange for additional collections as needed. Small commercial accounts that can be accommodated by the city's residential collection service may choose to use the city's service under the same terms as residential collection regulations. (1984 Code, § 8-205, as replaced by Ord. #2013-05-01, Aug. 2013)

**17-106. Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials that 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. (1984 Code, § 8-207, as replaced by Ord. #2013-05-01, Aug. 2013)

**17-107. 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 mayor and aldermen is expressly prohibited. (1984 Code, § 8-208, as replaced by Ord. #2013-05-01, Aug. 2013)

**17-108. Service user fees--residential collection.** (1) There is hereby established a residential garbage service user fee to be charged to and collected from each participating household in the City of Munford, Tennessee on a monthly basis.

(2) Household is defined, for the purpose of this section, as all occupied residential units within the City of Munford to which garbage and refuse pick up service is furnished by the city, and available for use, and for which pick up service is not otherwise required to be provided as a commercial unit or apartment development in excess of six (6) units.

(3) The residential collection service user fee is established at the rate of eighteen dollars (\$18.00) per month per residential household for the first container. Additional containers shall be at the rate of ten dollars (\$10.00) each per month per container. The per container charge shall be adjusted on an annual basis in an amount equal to the percentage change in the Consumer Price Index for Urban Areas (CPI-U, US City Average, All Items) for the prior calendar year as determined by the U.S. Department of Labor. The residential collection service user fee shall also be adjusted by a percentage amount equal to the percentage increase granted to the contractor each year due to the fuel cost adjustment as provided in the bid specifications. Said annual adjustments shall be effective with the July billing cycle each year. The board of mayor and aldermen may reject the automatic adjustment by passage of a resolution.

(4) User fees shall be added to the city utility billing whenever possible. The city administrator is authorized and directed to institute collection mechanisms, rules and regulations and means as shall be deemed by the city administrator to be efficient, appropriate and expedient to effect collections. (as added by Ord. #2013-05-01, Aug. 2013)

**17-109. Violations and penalty.** (1) It is unlawful to refuse or neglect to pay the monthly residential garbage service user fee when billed. Each user shall be given ten (10) days from the billing date to make payment to the city. Late fees and penalties for non-payment shall be charged in accordance with the fee schedule established in title 18, chapter 1, § 18-127 of the Munford Municipal Code.

(2) Each thirty (30) day period that the service fee remains unpaid shall subject the owner or the tenant, whichever is the user, to a separate fifty dollar (\$50.00) civil fine for non-payment. (as added by Ord. #2013-05-01, Aug. 2013)

**17-110. Initial enrollment.** During the forty-five (45) days following the adoption of the ordinance comprising this chapter or by 5:00 P.M. on November 1, 2013, whichever is later, current city residents will have the opportunity to "opt out" of receiving the residential collection service by completing a form that will be provided to all city residents. Persons who decide to opt out will not be billed for this service, but may opt in and receive the service in the future, and will at that time be billed accordingly. After the forty-five (45) day time period expires or at 5:00 P.M. on November 1, 2013, has passed, whichever is later, those residents who do not opt out as provided above and any new residents moving into the city thereafter will be billed for this refuse service, and will not have the ability to opt out. (as added by Ord. #2013-05-01, Aug. 2013)