

## TITLE 17

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

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Solid waste service charge.
- 17-110. Garbage, litter, and refuse provisions; notice; and penalty.
- 17-111. Provisions regarding automobile graveyards.
- 17-112. Provisions regarding abandoned motor vehicles.

**17-101. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Abandoned motor vehicle." Any license or unlicensed motor vehicle of any kind, which is in a rusted, wrecked, junked, partially dismantled, inoperative or otherwise generally recognized abandoned condition, whether attended or not.

(2) "Automobile graveyard." For the purposes of this chapter "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which would not be economically practical to make operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(3) "Bulk garbage." Garbage, refuse, or other items too large for, or inappropriate for, refuse containers including, but not limited to:

- (a) Commercial landscaping debris;
- (b) Excess materials or debris resulting from building, restoration, remodeling, and demolition, whether generated by owner, tenant, contractor, or other entity; these include, but are not limited to: lumber, roofing material, sheetrock, insulation, cement, concrete, brick, siding material, and plumbing or lighting fixtures;
- (c) Windows.
- (d) Any object containing glass, which object is too large for the trash receptacle;
- (e) Unbagged grass clippings;
- (f) Unbagged leaves, excluding those deposited on owner's property adjacent to the curb during the months of November through March for which a request is made to the public works department for pickup;
- (g) Tires or other automotive parts, or automotive salvage;
- (h) Carpet and other flooring material; provided, however, that scraps and remnants of commercial flooring businesses which can be contained within an assigned refuse container at a place of business are excepted;
- (i) Moving or packing materials too large for the trash receptacle; and
- (j) Hazardous or toxic substances, regardless of type or quantity/volume;
- (k) Market and industrial waste;
- (l) Dead animals;
- (m) Automotive or industrial parts or fluids, regardless of size/volume;
- (n) Ashes; and
- (o) Body waste.

(4) "Garbage." Putrescible (that which is liable to decompose, rot or decay) animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(5) "Litter." Consists of refuse which is not contained or disposed of in accordance with the provisions of this chapter.

(6) "Refuse." All putrescible and non-putrescible solid waste (with the exception of items expressly identified as bulk waste) including, but not limited to, garbage and rubbish.

(7) "Sanitation officer." Public Works Department head, or any supervisor within said department. (1994 Code, § 17-101, as amended by Ord. #529, Sept. 2018, Ord. #530, Nov. 2018, and Ord. #533, June 2019)

**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. (1994 Code, § 17-101)

**17-103. Storage.** Each owner, tenant, or occupant shall utilize, for city trash collection, the city-issued refuse container.

**17-104. Location of containers.** Where alleys are used by the refuse collectors, containers shall be placed on or within six feet (6') 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 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 city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1994 Code, § 17-104)

**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. (1994 Code, § 17-105)

**17-106. Collection.** Bulk garbage is not subject to city collection, and disposal is the obligation of the tenant, owner, and other person depositing bulk garbage on property within the corporate limits.

All other refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (Ord. #529, Sept. 2018)

**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. (1994 Code, § 17-107)

**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 mayor and aldermen is expressly prohibited. (1994 Code, § 17-108)

**17-109. Solid waste service charge.** (1) Imposed. There is hereby imposed for the collection of solid waste and for the improvement of the general public health and environment a service charge for each dwelling unit and each commercial establishment.

RESIDENTIAL: The service charge for collection of residential solid waste shall be in the amount provided by each year's budget ordinance.

COMMERCIAL: The service charge for collection of commercial establishments shall be in the amount provided by each year's budget ordinance.

Said refuse tax shall be added to the bills of the Ripley Water Department for all customers inside the city limits each month, beginning with the September billings.

(2) Enforcement. This section shall be enforced as the collection of water bills are enforced. (1994 Code, § 17-109, modified)

**17-110. Garbage, litter, and refuse provisions; notice; and penalty.**

(1) Provisions. (a) It shall be unlawful for any person or entity, whether said person or entity is an owner, tenant, or otherwise, to place, leave, dump, or permit to accumulate any item(s) of bulk garbage in any city street or roadway, or on city property or any city sidewalk. It shall be unlawful for any person or entity, whether said person or entity is an owner, tenant, or otherwise, to place, leave, dump, or permit to accumulate any item(s) of bulk garbage in any other building or on any other property, for a period exceeding twenty-four (24) hours.

It shall be unlawful for any person or entity to place, leave, dump, or permit to accumulate any garbage or refuse in any building or on any property, so that same shall or may afford food or harborage for rodents, create a health hazard, or cause a public nuisance, or to place, leave, dump or permit any garbage or refuse in any city street or roadway.

(b) With the exception of brush, limbs, and branches not otherwise defined as bulk garbage, all refuse disposal shall be made in closed, city-approved refuse containers and secured in such a way as to prevent the contents from escaping therefrom. All materials within the containers shall be placed within plastic garbage bags or comparable containers, which prevent the escape of the materials within the refuse containers. All liquids or other wet refuse shall be drained prior to insertion in refuse containers.

Refuse containers shall be placed for refuse collection on the owner or tenant's property, adjacent to the city street or roadway designated for collection, no more than twenty-four (24) hours prior to 7:00 A.M. on the designated day of collection. Refuse containers shall be removed no later than 7:00 A.M. on the day following the day of collection.

Brush, limbs, and branches not otherwise defined as bulk garbage shall be reduced to pieces no more than ten feet (10') in length and two feet (2') in diameter. Said items shall be placed for collection on the

owner or tenant's property, adjacent to the city street or roadway designated for collection. The owner or tenant shall, within twenty-four (24) hours of placement for collection, contact the City of Ripley Public Works Department with a request for collection.

(c) All commercial and industrial establishments shall dispose of refuse in dumpsters designated for their use in such a way that said dumpsters shall not overflow and the refuse so deposited shall not circulate freely in the environment. Cardboard and wood boxes shall be compacted prior to disposal.

(d) The maintenance of a litter-free environment at all construction and demolition sites shall be the responsibility of the owners, contractors and subcontractors thereof. All refuse shall be removed from the site frequently enough to preclude a litter problem.

(e) All loading and unloading docks shall be maintained in such a manner as to prevent refuse from accumulating and from circulating freely in the environment. The responsibility for such maintenance shall devolve upon the owners and lessees thereof.

(f) All owners of private dwellings, or their lessees shall be responsible for seeing to the maintenance of a litter free environment in the areas immediately surrounding said dwellings upon the adjacent public street or road. Obnoxious growth shall be removed.

(g) All vacant lots shall be kept clean and free of litter by the owners or lessees thereof. Obnoxious growth shall be removed.

(h) Every owner or tenants of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his or her property, and it shall be unlawful for any such person to fail to comply with an order by the city recorder or code enforcement officer to cut such vegetation when it has reached a height of over eight inches (8"), unless impermissible.

(i) The city and county landfills shall be the sole ultimate repositories of all refuse. All other dumpsites, other than provisional municipal dumpsites, are accordingly prohibited. This provision shall not prohibit any person from disposing of his own solid waste upon his own lands provided such disposal does not create a public nuisance, health hazard, or unsightly condition.

(j) With respect to publicly maintained dumpsters, there shall be no burning or refuse and no scavenging. Refuse shall not be deposited outside the dumpsters. If a dumpster is full, the refuse will be taken to another dumpster that is not full. Large, heavy items as well as hazardous materials and large pieces of wood are prohibited from being placed in or in the vicinity of a dumpster.

(k) Political and commercial posters or other advertisements shall not be placed upon public property or right-of-way (including utility and telephone poles). Handbills and like advertisements shall be

distributed in such a manner as to prevent their circulating freely in the environment. These items will not be placed on the outside of vehicles, homes, or businesses where they would create a litter hazard.

(l) All organizers of outdoor events are responsible for the rapid removal of all refuse and litter from the site thereof and shall provide appropriate refuse container for the public's use.

(m) All city residents with special disposal problems shall be responsible for seeking the advice of the city code enforcement officer.

(n) All parking lots shall be maintained by the owners or lessee thereof in a clean, litter-free manner.

(o) Contents within, or on, commercial and private vehicles shall be secured to prevent loss of material upon public roads, rights-of-way or other public or private property.

(p) All persons shall insure that any refuse within their control be disposed of in proper containers or places. This will include such items as food and drink containers, tobacco items and other personal use items that could be considered litter.

(q) 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 city. This does not preclude property prepared putrescible wastes from domestic "garbage grinders" discharging into sanitary sewers.

(r) No person shall throw or deposit litter in or upon any premises, street, sidewalks, or other public place within the city, except in public receptacles or in authorized private receptacles for collection or in the city or Lauderdale County landfills.

(s) If an object of litter is discovered deposited on another's property without his permission, on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property designated for that use, bearing a person's name, it shall be prima facie evidence that the person whose name appears on the object threw, dumped, or deposited it there.

(t) For any violation of this section, applicable law enforcement agencies, including the code enforcement officer and code enforcement officer and/or other sanitation officer of the City of Ripley and/or the Lauderdale County Department of Health shall have primary jurisdiction and are hereby authorized to issue citations for such violations.

(u) It shall be unlawful for any non-city resident to dump or dispose of garbage, litter and/or refuse into any city dumpster or any other city garbage container.

(v) (i) Business owners operating within the corporate city limits who are assessed refuse fees; and

(ii) Divisions or departments of the City of Ripley or any subsection, board, or agent thereof, are expressly excluded from the provisions of § 17-110(1)(a).

(2) Notice. If it is determined by the authorized officer that any owner of record of real estate has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter or garbage, or any combination of the preceding elements, so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats or other harmful animals, said officer shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by U.S. mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is in violation of said chapter, and is entitled to a hearing before the city judge, and shall contain:

(a) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;

(b) The person, office address, and telephone number of the officer or the person making notice;

(c) A cost estimate for remedying the noted conditions which shall be in conformity with the standards of cost in the community; and

(d) A place where the notified party may return a copy of the notice indicating the desire for a hearing.

(3) Failure to comply with notice. If the property owner fails or refuses to remedy the condition within ten (10) days after receiving the notice, the officer shall immediately cause the condition to be remedied or removed at costs in conformity with reasonable standards, and the costs thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of Register of Deeds of Lauderdale County, the costs shall be made a lien on the property in favor of the City of Ripley, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in said property duly recorded and duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax roll of the City of Ripley as a lien and shall be added to the property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes.

If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials, the ten (10) day period aforesaid shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

(4) Hearing. The City of Ripley shall provide for a hearing before the city judge upon request in writing of the person aggrieved by the determination made pursuant to § 17-110(2) and (3) above. A request for hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to said subsections. Failure to make the request within this time shall, without exception, constitute a waiver of the right to hearing.

Any person aggrieved by an order of the city judge following a hearing may seek judicial review of the order or act. The time period established in § 17-110(3) shall be stayed during a pendency of a hearing.

(5) Penalty. Each separate dumping violation shall constitute a separate offense. Each separate item of bulk garbage shall constitute a separate offense.

With regard to bulk garbage, a separate fine shall be assessed against each of the following: tenant and owner of the subject property and any other identified person or entity who/which violates this section. However, the judge may, in his/her discretion, waive fine against any of the named persons or entities if one (1) of them assumes primary responsibility for bulk garbage and simultaneously satisfies the fine(s).

The judge may, in his/her discretion, require any person found in violation of this section to remove litter from public property within the city, or other appropriate locations, or to perform community service within the city or for any of its departments or divisions, or for other appropriate charitable or nonprofit entities, for any prescribed period in lieu thereof, or in addition to the penalty as provided in the section. (1994 Code, § 17-110, as amended by Ord. #529, Sept. 2018, and Ord. #530, Nov. 2018, modified)

**17-111. Provisions regarding automobile graveyards.** (1) Permit required. No person shall own or maintain any automobile graveyard within the city until he shall receive a permit so to do from the city recorder. The city recorder shall issue such a permit to any applicant whose premises comply with the requirements of this and all other applicable ordinances of the city. Any permit so issued may be revoked by the city recorder for failure to comply with any requirement of this chapter. However, charges shall be proffered in writing by the recorder and served upon the permittee and he shall be given the right to be heard as to why his license should not be revoked.

Any person aggrieved by the city recorder's action relative to the issuance or revocation of an automobile graveyard permit may appeal to the city governing body which shall hold a hearing and decide whether or not the recorder's action was reasonable. Based upon its findings at such hearing the city governing body shall affirm or reverse the city recorder's action.

(2) Regulations applicable. All automobile graveyards within the city shall be operated and maintained subject to the following regulations:

(a) All motor vehicles stored or kept in such yards shall be so kept that they will not catch or hold water in which mosquitoes may



breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(b) All such automobile graveyards shall be enclosed within a close fitting plank or metal solid fence touching the ground on the bottom and being not less than six feet (6') in height, such fence to be so built that it will be impossible for stray cats and/or stray dogs to have access to such automobile graveyards.

(c) Such automobile graveyards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

(3) Existing automobile graveyards. Any owner and/or operator of an automobile graveyard in existence at the time this section becomes effective shall have sixty (60) days in which to get a permit or remove the offending vehicles. (1994 Code, § 17-111, modified)

**17-112. Provisions regarding abandoned motor vehicles.**

(1) Restrictions. It shall be unlawful to park, store, or leave, or to permit the parking or storing of an abandoned motor vehicle, for a period in excess of seventy-two (72) hours, upon any private property within the city, unless the same is completely enclosed within a building or unless it is connected with a business enterprise operated on a lawful place and manner and licensed as such and when necessary to the operation of such business enterprise.

(2) Violations. The accumulation and storage of one (1) or more such abandoned motor vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris, and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the City of Ripley, and it shall be the duty of the registered owner of such motor vehicle and the person in charge or control of the private property upon which such motor vehicle is located whether as owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street.

(3) Notice. Whenever there is reasonable grounds to believe that a violation of a provision of § 17-112 exists, the code enforcement officer will give, or cause to be given, written notice that said motor vehicle violates the provisions of this chapter and demand that within ten (10) days of the mailing of such notice said motor vehicle be removed to a place of lawful storage or be housed in a building where it will not be visible from the street, and advise of the intention of the chief of police to remove and impound such motor vehicle if it has not been so removed or housed at the end of such time. Such notice will be given by:

(a) Affixing notice on such motor vehicle;

(b) Sending such notice by mail to the owner of such motor vehicle at his last known address if the owner is reasonable ascertainable; and

(c) By sending notice by mail to the person owning or controlling the property on which the motor vehicle is located, if that person is different from the owner of such motor vehicle.

(4) Failure to comply with notice. Any person who fails, neglects, or refuses to remove the abandoned motor vehicle or to house the same and abate said nuisance, in accordance with the notice given pursuant to the provisions of § 17-112(3), shall be in violation of the provisions of this chapter.

(5) Removal of offending vehicles by chief of police. In addition to and not in lieu of any other procedure prescribed in this chapter or in this code for removal of abandoned motor vehicles from private property, if the registered owner of such vehicle which is in violation of this chapter or the owner of person in lawful possession or control of the private property upon which the same is located shall fail, neglect, or refuse to remove or house such abandoned motor vehicle in accordance with the notice given pursuant to the provisions of § 17-112(3), the chief of police may remove and impound said motor vehicle until lawfully claimed. If not lawfully claimed within a period of ten (10) days, the chief of police may dispose of such vehicle at public sale or as otherwise provided by *Tennessee Code Annotated*, § 55-16-105, *et seq.* and he may thereafter maintain an action in the name of the City of Ripley, in the appropriate court, against any person or persons upon whom notice was served as required by § 17-112(3), to recover the cost of removing, impounding, and disposing of such motor vehicle in the event the proceeds of any sale thereof shall be insufficient to recover such costs. Any such unsatisfied costs shall become a lien upon the real property upon which said abandoned motor vehicle was located in violation of this chapter, said lien to be satisfied as any other delinquent tax lien.

(6) Authority of city personnel to enter private premises. The chief of police, any regularly employed and/or salaried officer of the police department of the City of Ripley, contracting agents of the City of Ripley, and employees of such contracting agents, and/or authorized office employees and agents of the City of Ripley, and each of them, are hereby expressly authorized to enter upon private property for the purposes of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose and to remove any motor vehicle in accordance with the provisions of this chapter.

(7) Deadline for abating nuisance privately. Any person to whom notice was given pursuant to § 17-112(3) shall have the right to remove or house such motor vehicle in accordance with said notice at his own expense at any time prior to the arrival of the chief of police or his authorized representative for the purpose or removal of said abandoned motor vehicle. (1994 Code, § 17-112, modified)