

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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17-101. Definitions. For purpose of this chapter, the following words shall be defined as follows:

(1) "Garbage" shall mean all putrescible wastes, except sewage and body wastes, including discarded particles of food and meat, vegetable and animal offal, kitchen wastes in general, and tin cans, bottles, paper and other containers, paper, or any other materials that contain or have attached thereto any residue of milk, soft drinks, food, or other putrescible wastes, but excluding industrial wastes and by-products.

(2) "Small dead animals" shall mean carcasses of fowls and animals not larger than a dog. Livestock and horses shall not be included within the meaning of this term.

(3) "Industrial wastes" shall mean the wastes and by-products of manufacturing and processing establishments.

¹Municipal code reference

Property maintenance regulations: title 13.

(4) "Building wastes" shall be interpreted to mean discarded materials incident to and resulting from construction or repair of buildings and the clearing of land for new construction, such as, but not limited to, rock, brick, metal, wood, glass, trees, brush, and vegetation, when such materials are in greater quantity than can be placed in one container.

(5) "Refuse" shall mean all other wastes, such as tin cans, metal, stone, brick, wood, glass, bottles, paper, cordage, ashes, household rubbish, tree limbs, brush, leaves, lawn trimmings, weeds, flowers, other vegetation, and any other non-classified trash or discarded materials.

(6) "Garbage container" shall mean a water tight can of solid and durable material, equipped with lifting handles, and having a tight-fitting lid with a handle. A garbage container or any other container must not have any inside structures, such as bands or reinforcing angles, that will prevent or impede the free discharge of its contents, and shall not have any jagged or sharp edges that might injure a person handling it or a plastic garbage bag 2 mills thickness.

(7) "Person" shall mean any natural person, firm, company, partnership, or corporation.

(8) The masculine shall include the feminine and neuter.

(9) "Town" shall mean the Town of Bruceton, Tennessee. (1982 Code, § 8-201)

17-102. Preparation of refuse for collection. Materials and wastes to be collected by the department of sanitation of the town shall be prepared as follows:

(1) Garbage must be placed in garbage containers meeting the minimum standards prescribed in § 17-101(6). Containers not meeting such standards may be condemned by the town, and when so condemned shall promptly be replaced with containers that do meet such standards. Condemned containers not replaced within 15 days after notice of condemnation shall be confiscated. All garbage shall be placed in plastic bags of 2 mills thickness.

(2) It shall be the duty of the head of every family occupying or in possession of any house, flat, apartment, tenement, or other dwelling unit, or the owners or agents thereof if they are responsible for paying the service fees, to provide satisfactory containers as defined herein for each dwelling unit, and to place or cause to be placed such containers at the proper locations for the deposit of garbage and refuse for collection by the department of public health at such times as the head of the department shall establish. The lids or covers for all garbage containers shall at all times be kept secure and fastened so that flies and other insects cannot have access to the contents thereof, and said lids or covers may be removed only while being filled or emptied as the case may be.

(3) It shall likewise be the duty of the person in charge of each business and commercial establishment to provide satisfactory containers and to place them in proper locations. (1982 Code, § 8-202, modified)

17-103. Location of containers. The town recorder shall have authority to direct the times, places, and manner of setting out containers for collection. (1982 Code, § 8-203, modified)

17-104. Industrial wastes, etc., not to be collected. The person creating or in possession of industrial or building wastes shall be responsible for disposal of such wastes in such manner and at such places as the department of public health shall approve, and such wastes shall not be collected as part of the town's refuse and garbage collection service except as a special collection under § 17-107(3) in which event such wastes shall be prepared for collection as required by § 17-102. (1982 Code, § 8-204)

17-105. Dead animals disposal. The department of sanitation on call will pick up small dead animals, which shall not be placed in garbage or refuse containers. The person owning or in possession of other dead animals, such as livestock and horses, shall be responsible for their prompt disposal in such manner as the department of public health may direct. Any person having knowledge of the existence of a dead animal should telephone or otherwise immediately notify the department of sanitation. (1982 Code, § 8-205)

17-106. Garbage collection schedule. The town will collect garbage and refuse from family dwelling units weekly, in accordance with schedules established by the department of sanitation, and from business and commercial establishments daily, Sundays and holidays excepted, unless the department shall determine that one collection each week shall be sufficient. (1982 Code, § 8-206, modified)

17-107. Service fees. The fair and reasonable fees to be charged by the town for the collection of garbage and refuse have been determined as follows:

(1) **Residential fees.** Eight dollars (\$8.00) per family dwelling unit per month. Each family unit in multiple dwellings, apartments, or tenements shall be considered a separate family dwelling unit, unless the owner or authorized agent of the owner of a multiple dwelling, apartment, or tenement house shall assume responsibility for paying such fees for all of the family dwelling units contained therein, in which case the fee shall be eight dollars (\$8.00) per family dwelling unit per month. If the owner or agent thereof elects to pay on the latter basis, the number of family dwelling units available for rent shall determine the total fee and the extent of occupancy or vacancy thereof shall not be considered.

(2) **Business and commercial fees.** The actual cost of making collections shall be charged to business and commercial establishments, including hotels, rooming and boarding houses, churches, schools, clubs, public buildings, hospitals, nursing homes, and similar organizations. The department of sanitation shall determine the costs of collection by any practicable method

to be prescribed by the board of mayor and aldermen, and such cost determinations shall be reviewed periodically.

(3) Special collections. Garbage, refuse, and other waste materials will be collected and hauled off by the department of sanitation on special order, at actual cost determined by any practical method to be prescribed by the board of mayor and aldermen, with a minimum charge of \$15.00 per trip. (1982 Code, § 8-207, as amended by Ord. #90-47, July 1990, and Ord. #91-6, June 1991)

17-108. Service fees mandatory. (1) The fees fixed in § 17-107 (1) and (2) for the collection, removal, and disposal of garbage and refuse are hereby levied by the town against all owners, occupants, tenants, or lessees, using or occupying any family dwelling unit, building, house, or structure, and against all persons operating business and commercial establishments entitled to receive such service. Since the proper and prompt removal of all refuse and garbage is essential to the public health and safety, it is deemed necessary that such a fee be levied against every person, and thus provide for a more even and equitable distribution of the cost of this service to the citizenship enjoying the benefits thereof.

(2) It shall be unlawful for any person to utilize any container belonging to another person as a means of avoiding payment of fees levied by this chapter, except that occupants of a multiple dwelling, apartment, or tenement house may jointly use the same containers when the owner thereof or his agent has elected to and does pay the total fees therefor as provided in § 17-107(1). (1982 Code, § 8-208)

17-109. Charges for garbage service to be included on water bill. For the purpose of convenience, the service fees levied shall appear on the same bills showing charges for water and sewer service by the town, and such fees shall be payable at the city hall. (1982 Code, § 8-209)

17-110. City only may collect garbage. No person other than employees of the town or those operating under a contract with the town may collect or haul any garbage, refuse, or other waste materials within the town.

17-111. Litter, waste, etc. The following acts by any person are hereby declared to be unlawful as trespasses and public nuisances, and subject to penalties imposed by this chapter: (1) Placing, depositing, dumping, or throwing, or permitting or causing to be placed, deposited, thrown, or to remain, any garbage, refuse, dead animals, industrial or building wastes, or any other discarded materials:

(a) On public or private property outside any house, apartment, or building in the town, unless the same has been deposited in accordance with the provisions of this chapter, or

(b) On lots of land, vacant or occupied, or

(c) On or in any gutter, street, sidewalk, parkway, driveway, curb, alley, or any other public property.

(2) Permitting any garbage or refuse originating in a place of business to remain on the property of such business or on streets or other private property in the vicinity of such business. Persons operating such businesses shall be responsible for collecting and disposing of as required any such garbage or refuse that shall be scattered on his property or on streets or other private property in the vicinity of his business, regardless of the means by which such scattering occurs, and his failure to do so shall constitute a misdemeanor.

(3) Causing or permitting to be or to remain in or upon any premises, public or private, any garbage or any animal, vegetable or mineral matter, or any composition or residue thereof, that shall be in an unsanitary condition or injurious to public health, or that shall emanate offensive or obnoxious odors.

(4) Permitting weeds, grass, or other vegetation to grow or to remain on lots or land, vacant or occupied, or upon any abutting sidewalk, curb, or street, so as to become offensive, or emanate offensive or obnoxious odors or become a breeding place for flies or insects, or become in any way injurious to the public health.

(5) Disposing of body wastes or sewage in any manner except through the city sewerage system, unless otherwise specifically approved by the Department of Public Health. (1982 Code, § 8-211)

17-112. Official sanitary landfill. (1) The official town sanitary landfill is hereby defined as any land the board of mayor and aldermen may select.

(2) It shall be unlawful to dump garbage or refuse at any place within the town or within 5,000 feet of the corporate limits of the town, except in the official town sanitary landfill.

(3) All garbage, refuse, and waste materials on the official sanitary landfill are the property of the town, and no person shall separate, collect, carry off, or salvage any such materials unless expressly authorized to do so by the department of sanitation and then only under the direction and supervision of said department. (1982 Code, § 8-212)

17-113. Burning of garbage, etc. The burning of garbage within the town at any time is hereby prohibited. The burning of refuse or other waste materials within the town between sunset and sunrise is hereby prohibited except in an approved incinerator. The burning of refuse or other waste materials within the fire limits of the town at any time is hereby prohibited. The burning of combustible refuse within the town and outside the fire limits of the town shall be permitted during daylight hours, provided that any such open fire shall be under constant supervision by the person who ignited it; provided further that any such fire must be at least twenty-five (25) feet from any building, combustible fence, or property line; and provided further that any

such fire shall be so maintained that it shall not constitute a nuisance to or injure or damage the property of any other person. (1982 Code, § 8-213)

17-114. Supervision of collection. The provisions of this chapter shall be administered under the direction and supervision of the board of mayor and aldermen. (1982 Code, § 8-214, modified)

17-115. Penalties. The violation of any provision of this chapter is hereby declared to be a misdemeanor and a public nuisance. In addition to any primary penalties which may be imposed, such nuisance shall be summarily abated by the person responsible therefor on notice from the town, and if not so abated may be abated by the town with the cost thereof charged against the responsible person. Such abatement shall not be a bar to the imposition of the penalty provided in the general penalty clause for this code. (1982 Code, § 8-215, modified)