

TITLE 17

REFUSE, GARBAGE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Storage of refuse, etc.
- 17-104. Disturbing containers
- 17-105. Collection and/or removal of garbage, refuse and litter.
- 17-106. Disposal of garbage/refuse/litter.
- 17-107. Dumping in streams, sewers, and drains prohibited.
- 17-108. Burning without approval prohibited.
- 17-109. Service of orders.
- 17-110. Violations.

17-101. Definitions. (1) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(2) "Collector." The term "collector" shall mean any person, firm, corporation, or political subdivision which collects, transports, or disposes of any refuse/litter within the corporate limits of the City of Fairview.

(3) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, from all public and private residences and establishments.

(4) "Health officer." The term "health officer" shall mean the health authority of Williamson County or his authorized representative.

(5) "Litter." The term "litter" shall include any object or substance which, if dumped, thrown, deposited or left on any public or private property, or is caused to be dumped, thrown, deposited or left on any such property, tends to pollute, mar or deface such property.

(6) "Refuse." The term "refuse" as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, litter, and all other putrescible

¹Municipal code reference

Property maintenance regulations: title 13.

and non-putrescible, combustible, and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials, but shall not include sewage, body wastes, or recognizable industrial by-products, from all residences and establishments, public and private.

(7) "Rubbish." The term "rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and establishments. (1973 Code, § 8-101, as replaced by Ord. #778, Oct. 2011)

17-102. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Fairview are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, litter, offal, filth, and trash. Such persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1973 Code, § 8-102, as replaced by Ord. #778, Oct. 2011)

17-103. Storage of refuse, etc. (1) Each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of Fairview where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide and keep covered an adequate number of suitable containers. The refuse containers shall be strong, durable and rodent-proof and insect-proof.

(2) No refuse may be burned, except as may be permitted by the provisions of this chapter.

(3) To ensure convenient storage and removal of refuse at sites where construction or demolition of buildings is underway, and to minimize littering in the area, an adequately sized dumpster or similar container acceptable to the city's chief building official or his designee shall be placed at each such site. The disposal of refuse brought to any such container from other places is prohibited. The location of the container shall be identified on the site plan or plot plan and approved as a part of the issuance of the building permit. The container shall be promptly removed upon completion of construction or demolition. At any time, the chief building official or his designee may direct that the container be placed in or moved to a location which will:

(a) Allow more convenient access for removal of waste and debris; or

(b) Be less likely to pose a nuisance for the occupants of any homes or other structures in the area. (1973 Code, § 8-103, as replaced by Ord. #778, Oct. 2011)

17-104. 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. (1973 Code, § 8-106, as replaced by Ord. #778, Oct. 2011)

17-105. Collection and/or removal of garbage, refuse and litter.¹

(1) Collection vehicles. Except for individual residents hauling their own generated refuse/litter, the collection of refuse/litter shall be by means of vehicles for which provisions are made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds. Hauling in unauthorized vehicles is a misdemeanor.

(2) Permits for collection. Any collector who collects refuse/litter within the city limits of Fairview, Tennessee, shall first obtain a permit from the City of Fairview. Applications for such permits must be submitted to the city recorder along with a non-refundable fee of fifty dollars (\$50.00). Each person or entity seeking to operate a garbage/refuse/litter collection business on the streets of Fairview shall be required to register his name if an individual or the business or organization name if other than an individual, the physical location of the registrant's main office and the mailing address and telephone number of a contact person to whom correspondence and telephone call should be directed. Prior to issuance of such a permit, the city manager, or such other person as he may designate, shall ascertain that the applicant has a properly equipped and maintained collection vehicle, that the collector is apprised of all provisions of this chapter and that the collector has a suitable and appropriate disposal site for refuse/litter collected and that the collector has adequate insurance coverage. Said insurance shall be maintained at all times the collector is operating his collection equipment upon the streets of the City of Fairview and a certificate of insurance shall be filed by the collector with the City of Fairview annually or at any time the insurance provider is changed by the collector. The collector shall notify the city manager in writing of any changes in the information provided pursuant to this section within fifteen (15) days of the effective date of such changes. Collection of garbage/refuse/litter by any person or entity after the date of the adoption of this section without first obtaining a permit from the City of Fairview will be a violation of this section and may be punished as outlined in § 17-110 "Violations."

(3) Insurance requirement. For the purposes of this chapter, "adequate insurance coverage" shall mean that each person or entity required to register under this section shall have filed with the city manager and maintain at all times a certificate of insurance indicating that such person or entity is insured against claims for damages for personal injury and/or property damage which may arise from or out of the work performed in picking up,

¹State law reference

Tennessee Code Annotated, § 16-19-101(19)

hauling, transporting or removing refuse/liter. The amount of insurance coverage to be required shall be no less than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per occurrence for personal injury damages and no less than one hundred thousand dollars (\$100,000.00) for property damages.

Persons engaged in the removal of self-generated garbage/refuse/litter to a designated and approved landfill, dumpster, convenience center or recycling site shall not be required to register with the city or file a certificate of insurance, nor shall persons assisting with community beautification projects at no charge be so required.

(4) Collection and transportation of garbage/refuse/litter. (a) Vehicle bodies and containers used for the collection and transportation of garbage/refuse/litter shall be impermeable and constructed of durable metal and/or other materials that are easily cleanable. All refuse materials not secured in closed plastic bags shall be kept either in an enclosed, leak-proof compartment or fully covered by tarpaulin during transportation beyond private driveways.

(b) Any person or entity collecting, transporting or hauling garbage/refuse/litter or permitting garbage/refuse/litter to be collected, transported or hauled on or along any public streets or ways shall take such measures as may be necessary to prevent the scattering, blowing or spilling of such garbage/refuse/litter upon streets or adjoining private properties and shall fully comply with applicable federal, state and local regulations. Any such person or entity collecting, transporting or hauling garbage/refuse/litter shall immediately collect any such garbage/refuse/litter which is scattered, blown or spilled.

(c) Responsibility for the disposal of garbage/refuse/litter shall pass to the collector when placed in the collector's vehicle, removed by the collector from containers or removed by the collector from the owner's premises.

(d) All vehicles used in the business of collecting or transporting garbage/refuse/litter shall be identified with an identifying name and telephone number on the sides and rear of the vehicle. Lettering shall not be less than four inches (4") in height.

(e) All vehicles used for the collection or transportation of garbage/refuse/litter shall be operated in a safe and lawful manner. Each person or entity required to register this section shall bear responsibility for the condition of the vehicles used for the collection and transportation of garbage/refuse/litter and the manner in which such vehicles are operated.

(f) The collection of garbage/refuse/litter shall be permitted only during daylight hours, and no earlier than 7:00 A.M. and no later than 7:00 P.M. on any day, except that the city manager may upon request provide written permission for the collection of garbage/refuse/litter

during such other hours where the collection of garbage/refuse/litter will not unreasonably interfere with the peace and quiet of area residents. The city manager may, in his discretion, revoke any such permission so granted.

(g) Those persons or entities who collect garbage/refuse/litter upon the streets of Fairview for the purpose of hauling said garbage/refuse/litter to an approved facility shall not store the collected garbage/refuse/litter etc. for any reason within the corporate limits of the City of Fairview prior to its final proper disposal.

(h) Motorized vehicular equipment or mobile storage facilities utilized by persons or entities who collect garbage/refuse/litter upon the streets of Fairview shall not be stored at any time in the corporate limits of the City of Fairview except within enclosed buildings or in areas screened from the site of public roadways. The screening materials and methods for screening utilized shall be approved by the city manager or his designee. For the purposes of this section, equipment will be considered stored if it is left in any areas of the City of Fairview unattended by at least one (1) person per individual piece of equipment. For the purposes of this chapter, equipment shall be considered unattended if it is left without at least one (1) attending person per piece of equipment for any period of time in excess of eight (8) hours. (1973 Code, § 8-107, as replaced by Ord. #778, Oct. 2011)

17-106. Disposal of garbage/refuse/litter. (1) The disposal of garbage/refuse/litter in any quantity by any person or entity at any place, public or private, within the city, other than at a site or sites designated for garbage/refuse/litter disposal by the board of commissioners, is expressly prohibited.

(2) No person or entity shall dump, throw, deposit or leave litter at any place, public or private, within the city, except in public receptacles or in authorized private receptacles for collection. Persons or entities placing garbage/refuse/litter 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 public or private place.

(3) No person, while a driver or passenger in a vehicle, shall throw or deposit garbage/refuse/litter upon any street or other public place within the city or upon private property. The driver of a vehicle from which garbage/refuse/litter is thrown or deposited shall bear prima facie liability for such litter. (1973 Code, § 8-108, as replaced by Ord. #778, Oct. 2011)

17-107. Dumping in streams, sewers, and drains prohibited. It shall be unlawful for any person, firm, or corporation to dump garbage/refuse/litter into any form into any stream, ditch, storm sewer, sanitary

sewer, or other drain within the City of Fairview. (1973 Code, § 8-109, as replaced by Ord. #778, Oct. 2011)

17-108. Burning without approval prohibited. (1) It shall be unlawful for any person, firm, corporation or entity to kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without the permission of the fire chief or his designated representative, or other proper authorization. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity of the construction or demolition site until a permit or other proper authorization has been obtained.

(2) No person, firm, corporation or entity shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless:

(a) The location is not less than fifty feet (50') from any structure and adequate provision(s) is made to prevent fire from spreading within fifty feet (50') of any structure; or

(b) The fire is contained in an approved waste burner located safely not less than fifteen feet (15') from any structure.

(3) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire-extinguishing equipment readily available for use. Such person shall be at least eighteen (18) years of age.

(4) The fire chief, or his designated agent, may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous. (1973 Code, § 8-110, as replaced by Ord. #778, Oct. 2011)

17-109. Service of orders. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage/refuse/litter on private and public premises. Such orders will be issued to owners, occupants, tenants, or lessees of such properties where violations of this chapter are known to exist and shall require that such violations be corrected within the time specified by the health officer. (1973 Code, § 8-111, modified, as replaced by Ord. #778, Oct. 2011)

17-110. Violations. Any person who shall violate any of the provisions of this chapter, or who shall fail or refuse to obey any notice issued by the department of health, the superintendent of the refuse collection department, or any official of the City of Fairview with reference to the storage, accumulation, or disposal of garbage/refuse/litter as described in § 17-101 of this code, shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense.

Change 13, May 17, 2012

17-7

Each day a violation is allowed to continue from the date of the original citation shall constitute a separate offense. (as added by Ord. #778, Oct. 2011)