

TITLE 17**REFUSE AND TRASH DISPOSAL**¹**CHAPTER**

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2. LANDFILL SALVAGE REGULATION.
3. LITTER.

CHAPTER 1**REFUSE****SECTION**

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17-101. Definitions. The following are definitions of certain words used in this chapter:

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

(2) "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.

¹Municipal code reference

Property maintenance regulations: title 13.

(3) "Rubbish." The term "rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and business establishments, and shall expressly include bottles and cans of all types and varieties.

(4) "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.

(5) "Collector." The term "collector" shall mean any person, firm or corporation that collects, transports or disposes of any refuse within the corporate limits of Lexington.

(6) "Health officer." The term "health officer" shall mean the building inspector of the City of Lexington or his authorized representative. (Ord. of July 5, 1955, modified)

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. (Ord. of July 5, 1955)

17-103. Storage. The storage, collection and disposal of refuse shall be managed so as to not create health hazard, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse shall be stored in fly tight, water tight, animal proof containers. Such containers shall be constructed of a material that is strong, durable, and not readily corrodible.

Automated pick up storage containers shall initially be provided by the City of Lexington.

Each rollout container is the property of the city and shall remain at the service location address to which it has been assigned by the city.

Manual pick up storage containers are the responsibility of the customer. Containers may be wheeled with a capacity not to exceed sixty-five (65) gallons and not less than ten (10) gallons. Containers with no wheels may have a capacity not to exceed thirty (30) gallons and not less than ten (10) gallons. Containers shall be equipped with handles to facilitate emptying and shall be equipped with tight fitting lids or covers, constructed of the same material and of such design to prevent the container from collecting water during rains.

Bin storage areas shall house individual containers that may be wheeled with a capacity not to exceed sixty-five (65) gallons or non-wheeled containers not to exceed thirty (30) gallons. All refuse disposed within bin storage containers shall be secured in closed plastic bags.

All containers shall be maintained by the customer in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (Ord. of July 11, 1975, modified, as replaced by Ord. #200807, Nov. 2008, and Ord. #201409, Nov. 2014)

17-104. Location of containers. Refuse storage containers shall be stored away from the street along the side or rear of property so best not visible by passersby. Containers shall be put in place for pick up by 7:00 A.M. on the day of collection but no earlier than 5:00 P.M. on the day before.

Automated pickup storage containers shall be placed in the location designated by the City of Lexington.

Manual pickup storage containers shall be placed in a convenient accessible location. Where alleys are used by the city 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 city 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.

As soon as practical after such containers have been emptied but no later than 7:00 P.M. on the day of collection, they shall be removed by the owner/customer to their storage location at the side or the rear of premises for storage until the next scheduled time for collection. (as replaced by Ord. #201409, Nov. 2014)

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.

17-106. Confiscation of unsatisfactory storage containers. The official refuse collecting agency of the city is herein authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when at the discretion of the health authority such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of only after the owner or owners of such containers have been duly notified of such impending action. (Ord. of July 11, 1975)

17-107. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (Ord. of July 5, 1955)

17-108. 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. (Ord. of July 5, 1955)

17-109. Disposal. It shall be unlawful for any person to dump or place on any premises, land or waterway any dead animals or waste, vegetable or animal matter of any kind. 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. (Ord. of July 5, 1955, as replaced by Ord. #201409, Nov. 2014)

17-110. Dumping in streams, sewers, and drains prohibited. 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 of Lexington. This does not preclude properly prepared putrescible wastes from domestic "garbage grinders" discharging to sanitary sewers. (Ord. of July 11, 1975)

17-111. Notice of violation to be given. It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants or lessees of such properties where violations of this chapter are known to exist, and providing that such violations be corrected within the time specified by the health officer. (Ord. of July 5, 1955)

17-112. Open burning. It shall be unlawful for any person, firm, or corporation to burn or attempt to burn refuse on private or public property within the corporate limits of the City of Lexington without first securing the approval of the appropriate health department or city department having jurisdiction. (Ord. of July 11, 1975)

CHAPTER 2**LANDFILL SALVAGE REGULATION****SECTION**

17-201. Consent required.

17-202. Violation and penalty.

17-201. Consent required. No salvage operation shall be permitted in Lexington landfill without the express written consent of the mayor and board of alderman of Lexington, Tennessee and upon the approval of the department of health for the State of Tennessee. (Ord. of Nov. 8, 1983)

17-202. Violation and penalty. Any salvage operation or salvaging from the Lexington landfill without the approval set out above shall be and is declared unlawful and a misdemeanor offense punishable by a fine of not more than \$50.00 and/or confinement to the Henderson County Jail for a period not to exceed 30 days. (Ord. of Nov. 8, 1983)

CHAPTER 3

LITTER

SECTION

17-301. Definitions.

17-302. Depositing in public places prohibited; exceptions.

17-303. Throwing from vehicles prohibited.

17-301. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(1) "Authorized private receptacle". A litter storage and collection receptacle owned and maintained by a private person and specifically designed and utilized for the disposition and storage of litter.

(2) "Litter". Such word is a comprehensive term inclusive of garbage, refuse, and rubbish as those terms are defined in this section.

(3) "Public place". Such term includes all streets, sidewalks, alleys or other thoroughfares or rights of way and all public parks, squares, grounds and buildings.

(4) "Public receptacle". A container located in a public place designed and utilized for the disposition, collection and storage of litter.

(5) "Refuse". All putrescible and non-putrescible solid waste (except body waste), including, but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and market and industrial wastes.

(6) "Rubbish". Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, including but not limited to paper, wrappings, cardboard, metal containers, yard clippings, leaves, wood, glass, crockery, and scrap metal. (Ord. of July 11, 1975)

17-302. Depositing in public places prohibited; exceptions. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the City of Lexington, except in public receptacles, in authorized private receptacles for collection or in the Henderson-Lexington County Landfill. (Ord. of July 11, 1975)

17-303. Throwing from vehicles prohibited. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City of Lexington. Included within the prohibition of this section is the throwing of litter onto private property from a public thoroughfare. (Ord. of July 11, 1975)