

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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17-101. Definitions. (1) "Refuse." Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals² and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith.

(2) "Superintendent." Superintendent shall mean the superintendent of sanitation. (1972 Code, § 8-201)

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.

¹Municipal code reference

Property maintenance regulations: title 13.

²Municipal code reference

Dead animals: § 13-105.

(1) It shall be unlawful for the owner or occupant of a business or residential building, structure, or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, and garbage.

(2) For the purpose of this section, an abandoned motor vehicle is defined as one that is in a state of disrepair or is incapable of being moved under its own power, or which does not have current state registration or a valid license plate attached to it, but shall not include an antique vehicle over twenty-five (25) years old, a vehicle kept within a building so it will not be visible from the street, a junked vehicle on the premises of a business operated in compliance with zoning ordinances or a vehicle stored in a place approved by the Health and Codes Department of the City of Manchester, Tennessee.

(3) Upon notice in writing from the Health and Codes Department of the City of Manchester, Tennessee, served in person or by registered mail on the owner and/or occupant of the property where the item(s) is being unlawfully stored, that person, organization, firm or corporation must comply with this section within ten (10) days from the date of notification. If the owner and/or occupant receiving the notice fails to comply within the specified time, a representative of the health and codes department shall issue a citation directing the owner and/or occupant to appear in the Manchester City Court for failure to comply with this chapter.

(4) Each day the property of an owner or occupant remains in violation of this section constitutes a separate and distinct offense, and the provisions of subsection three (3) of this section can be invoked daily in event of a continuing violation, without necessity of a second written notification or appearance before the committee. (1972 Code, § 8-102, as amended by Ord. #825, June 1998)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates, or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers, that shall be used to contain all refuse, as defined in § 17-101 (1), with the exception of empty, intact cardboard boxes which may be placed neatly and safely around said refuse containers. They shall each have a capacity of not less than twenty (20) nor more than thirty-five (35) gallons, except that this maximum capacity shall not apply to larger containers which the city or producers handles mechanically, the combined weight of any manually handled 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. Containers with severely rusted bottoms, or

sides, or holes to such a degree that spillage will occur when lifted, shall not be used to contain refuse and should be disposed of. (1972 Code, § 8-103)

17-104. Location of containers. At such times as shall be scheduled for the collection of refuse therefrom, containers of one hundred fifty (150) gallons or less shall be located on a firm, level surface at the same elevation as the street or alley immediately adjacent to the street line or alley margin. In areas where this is impossible, the container shall be placed on the edge of the street as close to the edge as possible but in no circumstances shall be container be placed in such a manner as to constitute a hazard to vehicles operating on the street or alley. 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. Containers with capacity greater than one hundred fifty (150) gallons shall be placed as designated by the director of general services. (1972 Code, § 8-104, as amended by Ord. #1209, Oct. 2008)

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. (1972 Code, § 8-105)

17-106. City functions. Except as otherwise herein provided only the city shall engage in the business of collection, removing, or disposing of residential refuse within the corporate city limits.

Only the city shall engage in the business of collection, removal or disposal of commercial or industrial refuse; however, when the volume or condition of that refuse is such that the sanitation department personnel and equipment cannot provide normal garbage services, the board of mayor and aldermen may elect not to dispose of the refuse. In this event, the refuse producer shall have the right to contract with a private firm, which must be approved by the city, to dispose of its refuse.

Services, if provided by the city, may be with its own forces, or by contractor. (1972 Code, § 8-106)

17-107. Frequency of collection. Refuse shall be collected from residences once a week and from businesses and other non-residential producers as often as reasonably necessary to protect against health and fire hazards. (1972 Code, § 8-107)

17-108. Service fees for collection, removal and disposal. Fees for the collection, removal and disposal of refuse shall be as set by resolution of the board of mayor and aldermen.

All persons or recipients of the refuse collection services of the City of Manchester, Tennessee shall be relieved from the payment of service fees for the collection, removal and disposal of refuse if said persons are sixty five (65) years of age or over and his annual income from all sources does not exceed that amount computed according to Tennessee Code Annotated, § 67-5-702(2). Those entitled to the benefits of these code sections on the date the ordinance comprising this section is enacted shall remain entitled to the benefits thereof notwithstanding that they are not yet sixty-five (65) years of age. (1972 Code, § 8-108, as amended by Ord. #913, Jan. 2001, and Ord. #1315, Nov. 2011)

17-109. Special collection services. The superintendent may provide other collection and removal services to meet unusual circumstances and conditions, in accordance with regulations and fees recommended by him and approved by the municipal governing body. (1972 Code, § 8-109)

17-110. Billing of service fees. The service fee for collection, removal, and disposal of refuse by the city shall be included as a separate item each month on the bills rendered by the city for water service. The accounts shall be paid monthly at the same time the water bills are paid.

Water service shall be discontinued for failure to pay the refuse service fee by the delinquency date prescribed for the water bill.

When service commences or ceases, applicable fees may be prorated. If water services shall be supplied to a location, the occupant or tenant of which has vacated said premises, and the city is satisfied that there has been a termination of the need for refuse collection, then the city, on application of the owner or agent therefor, may suspend liability for such refuse fees, and said fees shall be reinstated with the next water bill rendered to an occupant or tenant of the premises.

In the case of premises containing more than one dwelling unit or place of business, and each is billed separately for water by the city, such fees shall be billed to each person in possession, charge, or control who is a water customer of the city. In the case of premises containing more than one dwelling unit or place of business which are served through a single water meter, so that the occupants cannot be billed separately by the city, the customer responsible for the water bill shall be liable for the refuse service fees for the premises.

Separate refuse service fees per unit shall not be assessed to any residential facility or premises which is wholly-owned by a housing authority created pursuant to Tennessee Code Annotated, § 13-20-401, et seq., or any housing facility which is the beneficiary of Federal Low Income Housing Tax Credits. (1972 Code, § 8-110, as amended by Ord. #1570, April 2019 *Ch20_5-7-19*)

17-111. Disposal sites; rules and regulations; fees. It shall be unlawful for any person to dispose of any refuse at any place within the City of

Manchester other than at a refuse disposal site designated by the municipal governing body. Refuse disposal sites shall be available for use subject to reasonable rules and regulations and disposal fees approved by resolution of the municipal governing body. (1972 Code, § 8-111)

17-112. Special rules, regulations, and charges authorized for certain refuse. Collection, removal, and disposal of the following types of refuse shall be subject to reasonable rules and regulations and special charges approved by resolution of the municipal governing body:

- (1) Building or construction debris.
- (2) Trees, tree trimmings, leaves, lawn clippings, etc.
- (3) Dangerous materials or substances such as poisons, acids, or caustics, or refuse which is highly infectious or combustible.
- (4) Junk automobiles, refrigerators, and other bulk items. (1972 Code, § 8-112)

17-113. Exceptions. Nothing in this chapter shall prevent: (1) Any commercial refuse producer from collecting, removing, and disposing of his own refuse, provided he does so in such manner as not to create a nuisance and provided further that he pays all applicable disposal fees.

(2) Any licensed junk dealer, and/or organization, profit or non-profit, from collection refuse recognized as having sewage value, or that can be recycled or otherwise transformed into a usable substance, provided such dealer, or organization may collect such salvageable, or recyclable material only from premises where he has written invitation from the occupant.

(3) Any refuse producer or owner from selling or giving salvageable materials to licensed junk dealers for collection, removal, and disposal. (1972 Code, § 8-113)

17-114. Implementing authority of the superintendent. The collection, removal, and disposal of refuse from premises in the city shall be under the supervision and control of the superintendent. He shall recommend to the governing body such reasonable rules and regulations, not inconsistent with the provisions of this chapter, as he deems to be necessary or desirable, which shall become effective when approved by resolution of the governing body. (1972 Code, § 8-114)

17-115. Violations. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the superintendent shall be subject to the penalties provided for in the adopting ordinance for this municipal code. (1972 Code, § 8-115)