

## TITLE 17

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

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

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**17-101. Definitions.** Capitalized terms contained herein are defined as follows:

(1) "City" means City of McEwen, Tennessee, a municipal corporation, a local government, body politic and corporate organized and existing under the laws and charter granted by the State of Tennessee.

(2) "Garbage" means all animal and vegetable wastes resulting from handling, preparation, cooking or consumption of foods.

(3) "Refuse" means garbage, ashes and rubbish.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(4) "Rubbish" means waste paper, tin cans, broken ware, discarded shoes and clothing, bottles, grass cuttings and non-putrescible solid wastes. The term does not include Class III waste nor biological waste.

(5) "Class III waste" means ashes, debris from construction or repair work, trees or tree trimmings, leaves, brush, concrete, bricks and rocks, household appliances, furniture, wood and structural demolition waste materials and any other waste that likely will cause damage to collection and disposal equipment or injury to employees of the collector because of the nature, size or weight of the material or which causes undue hardship on the collector.

(6) "Biological waste" means human and other animal, fish and fowl dead bodies and bodily fluids therefrom.

(7) "Collector" means the city and persons commercially collecting, transporting or disposing of refuse, Class III waste and biological waste within the corporate limits of the city.

(8) "Ashes" include waste products from coal, wood and other fuels used for cooking and heating emanating from public and private residences and establishments.

(9) "Person" includes a human being, association, estate, trust, partnership, firm, corporation, limited liability company, governmental or religious entity, agency and instrumentality and every other form of artificial entity.

(10) "Premises" means real property, buildings, residential homes, businesses, and commercial and industrial facilities within the city or within any service territory served by the city as the collector.

(11) "Municipal collection system" means the public service operated by the city for collection and disposal of refuse for which the city imposes user fees or charges. (1970 Code, § 8-101, as replaced by Ord. #315, Feb. 2021 *Ch6\_06-13-23*)

**17-102. Premises to be kept clean.** Persons owning or occupying premises within the corporate limits of the city are required to keep the same in a clean and sanitary condition, free from accumulation of refuse, offal, filth, Class III waste, biological waste and all other forms of trash. Refuse must be stored in a container of the type hereinafter described ("container") between intervals of collection or otherwise disposed in the manner as herein prescribed to not cause nor likely to cause a nuisance or to become injurious to the public health and welfare. (1970 Code, § 8-102, as replaced by Ord. #315, Feb. 2021 *Ch6\_06-13-23*)

**17-103. Accumulation and storage of refuse.** (1) All persons whether as owner, occupant, tenant, subtenant, lessee, or otherwise using or occupying premises within the corporate limits of the city where refuse accumulates or is likely to accumulate must utilize the municipal collection system and the city-owned containers for storage of refuse except for those businesses and

commercial and industrial establishments utilizing private collectors and dumpsters as hereinafter described.

(2) Refuse will be drained free of liquids before depositing in containers.

(3) Garbage will be wrapped in paper or similar material.

(4) Cans, bottles and other food containers will be free of food particles and drained before disposal.

(5) Rubbish will be placed in containers approved by the city.

(6) Ashes which have been exposed to the weather and completely free of fire or smoke may be placed in containers. Hot ashes which may result in damage to packers, containers or may result in injury to an employee of a collector will not be placed in containers. (1970 Code, § 8-103, as replaced by Ord. #315, Feb. 2021 *Ch6\_06-13-23*)

**17-104. Containers.** (1) Refuse containers ("containers") will be issued by the city for use in the municipal collection system to each residence and business establishments where refuse is generated and collection normally occurs. Issuance will be limited to two (2) residential containers and three (3) commercial business containers. City will not pick up refuse deposited in privately owned containers.

(2) Municipally issued containers are owned by the city and will be replaced by the city if damaged due to normal wear and tear.

(3) When the user associated with a collection site, residence or business, relocates from the collection site all city-owned containers must be returned to the city.

(4) Containers (whether city-owned or by a private collector) will be equipped with tight fitting lids or covers to preclude free access by flies and insects and to prevent containers from collecting water. Lids or covers will be kept in place at all times except when refuse is being deposited or being removed by the collector.

(5) Containers will be maintained in good order and repaired by the assigned user.

(6) Containers will be placed in locations designated by the city. Failure to place a container in the assigned place; obstructing access to the container by placing it too close to an object; not bagging garbage placed in the container; overloading the container; or placing improper materials in the container will be reasons for containers to be by-passed for pick up by the city.

(7) Commercial and industrial establishments not served by a private collector or dumpster service will be provided not to exceed three (3) city-owned containers. A user generating more refuse than can be accommodated by the capacity of three (3) containers are required to use a private collector dumpster or collection service.

(8) Containers must be located outside of buildings and placed so as to not become a traffic or fire hazard and must be accessible to collector employees including mechanical lift collection when utilized.

(9) Containers will be placed adjacent to the street; curb side, sidewalk and/or alley.

(10) Containers will not be placed adjacent to the street, curb side, sidewalk and/or alley for more than twenty-four (24) hours prior to a regularly scheduled collection nor remain for more than twenty-four (24) hours after collection occurs.

(11) If a city-issued container is vandalized or stolen the user at the collection site must file a police report within forty-eight (48) hours of the theft or vandalism. If theft or vandalism is reported within forty-eight (48) hours thereof and occurred during the time the container is permitted to be located at the street, curb side, sidewalk, and/or alley for collection, the city-owned container will be replaced by the city. It will be the responsibility of the user at the collection site to provide a copy of the police report. In the event it is determined that the theft or vandalism occurred due to the user not removing the container from the street, curb side, sidewalk, and/or alley within twenty-four (24) hours before and after collection, the user will be responsible for the cost of replacement. (1970 Code, § 8-104, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-105. Refuse not to be collected unless properly stored.** City employees will not shovel nor pick from the ground any accumulation of refuse including bagged garbage, cardboard, leaves, lawn clippings, brush, packing material, etc. (1970 Code, § 8-105, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-106. Refuse from construction, demolition, or repairs.** City employees will not collect Class III waste resulting from construction, demolition or repair of buildings, structures or appurtenances. The property owner and/or contractor or the person having charge thereof will be responsible for the lawful disposal of such Class III waste. (1970 Code, § 8-106, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-107. Unlawful to burn.** It is unlawful to burn refuse, Class III waste and biological waste on private or public property within the corporate limits of the city without first obtaining a permit from the city fire department. (1970 Code, § 8-107, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-108. Dumping in streams, sewers, and drains prohibited.** It is unlawful to dump refuse, Class III waste and biological waste in any form into a stream, ditch, storm sewer, sanitary sewer, or other drain within the corporate limits. (1970 Code, § 8-108, as amended by Ord. #205, May 2000, and replaced by Ord. #285, Sept. 2015, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-109. Disposal of refuse.** All refuse accumulated in the city will be collected, conveyed and disposed in conformity with these regulations. Private collector services collecting and disposing of refuse will not convey transport refuse over city streets or alleys except as herein allowed. All such refuse will be delivered to and disposed at a site or sites designated by the city or by Humphreys County. (1970 Code, § 8-109, as replaced by Ord. #315, Feb. 2021 *Ch6\_06-13-23*)

**17-110. Disposal of refuse other than by city.** Actual producers of refuse, including residential, commercial, and business establishments, or the owners of premises on which refuse has accumulated, may personally convey and dispose of such refuse from their owned or occupied premises provided such disposal complies with the regulatory requirements of the refuse disposal code to authorized points of lawful disposal. Privately operated collectors must apply for a permit granting the right to privately contract to collect, convey, and dispose of refuse within the city. Locations within the city where such service is performed will at all times be furnished to the city. (1970 Code, § 8-110, as replaced by Ord. #315, Feb. 2021 *Ch6\_06-13-23*)

**17-111. Residential points of collection.** (1) Containers will be placed for collection at ground level on the premises where collection is made unless the user makes special arrangements with the city to place the container at another point.

(2) Persons served by an alley abutting the property of the user will place containers as near as possible to the alley line, but not more than five feet (5') from the alley line on the day of collection service.

(3) Persons with unpaved or graveled driveways not capable of accommodating a refuse collection vehicle will place containers as near as possible to the public street right-of-way or curb line on the day of collection.

(4) City will not be responsible for driveways, shrubbery, down spouts, lawns, mail receptacles damaged while in the process of entering the premises for the purpose of collecting refuse. Collectors may enter private property for the purpose of removing refuse unless the person being serviced objects to the collection equipment entering the premises and advises the city in writing of the objection. Objection to entry on the premises will not relieve the person objecting from the requirements of these regulations for disposal of refuse and maintenance of premises. (1970 Code, § 8-111, as replaced by Ord. #315, Feb. 2021 *Ch6\_06-13-23*)

**17-112. Commercial or business points of collection.** (1) Placement of containers will comply with the provisions of these regulations.

(2) Commercial or business firms utilizing disposal of refuse by private collectors may be permitted to place containers at places on their premises by agreement with the contracted party to accommodate the need of the private

collector responsible for the removal of refuse. (1970 Code, § 8-112, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-113. Frequency of collection.** (1) Refuse collection will be made by the city in residential areas on regularly scheduled routes to provide not less than one (1) collection per week for each residence.

(2) Refuse collection will be made by the city in commercial or business areas a maximum of twice per week. Commercial or business areas needing more frequent collections to prevent occurrence of nuisances and public health problems are required to utilize a private collection service. (1970 Code, § 8-113, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-114. Refuse collection and/or disposal service charges.**

(1) Institutional, professional, industrial, fraternal, governmental, religious, commercial and business establishments operated within the city and utilizing the municipal collection system will pay a minimum monthly fee as determined by city and adopted through its annual budgeting process.

(2) All residential owners and occupants of premises within the city receiving municipal water service will pay not less than the minimum monthly user fee for residential refuse collection service by the city whether utilized or not. (1970 Code, § 8-114, as replaced by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-115. Collection of city service fees or charges.** (1) Institutional, professional, industrial, fraternal, governmental, religious or commercial service charges will be billed through procedures prescribed by the city.

(2) City may elect to deny refuse collection to commercial, industrial, institutional, professional, fraternal and business establishments and contractors (including demolition wastes) due to waste being hazardous, causing damage to city equipment or if city has inadequate equipment to properly handle the particular refuse.

(3) Institutional, professional, industrial, fraternal, governmental, commercial, and business establishments and contractors requiring special handling or special rates due to unusual situations that prevent the charges from being placed on the monthly city utility statement will be billed and collected by the city by alternative methods prescribed by the city. (as added by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-116. Disturbing containers.** It is unlawful for an unauthorized person to uncover, rifle, pilfer, dig into, turn over or in any other manner disturb or use any container belonging to or assigned to another user. (as added by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-117. Collection under supervision of city.** (1) All refuse accumulated within the corporate limits will be collected, conveyed and disposed under the supervision of such officer as the city designates.

(2) Collections will be made regularly in accordance with announced schedules.

(3) Quantities of tree limbs and tree trimmings equivalent to a full trailer load (20 cu. yd.) or more must be deposited for collection only after specific approval and then according to direction of the city. (as added by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-118. Collection vehicles.** Collectors will utilize vehicles with beds constructed of impervious materials easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. All refuse collection vehicles must utilize closed beds or such coverings as effectively prevents the scattering of refuse over the public streets or alleys. (as added by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)

**17-119. Violations.** (1) Persons violating provisions of these regulations or who fail or refuse to obey any notice or order issued by a health officer or by the designated officer of the city with reference to the storage, accumulation or disposal of refuse as set forth in these regulations will be subject to prosecution in the municipal court.

(2) It is unlawful to use collection facilities which do not comply with these regulations or to not pay for the use of the storage containers provided by the city.

(3) Each day of a violation continuing under the refuse disposal code will be deemed a separate offense. (as added by Ord. #315, Feb. 2021 ***Ch6\_06-13-23***)