

## TITLE 17

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

## CHAPTER

## 1. REFUSE.

## CHAPTER 1

REFUSE

## SECTION

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17-101. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the Town of Newbern, Tennessee, are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, garbage, and trash. Such persons, firms, and corporations are required to store such refuse in sanitary containers of the type described in and required by this chapter between collection intervals and to dispose of such materials in the manner prescribed in this chapter so as not to cause a nuisance to the public health and welfare. (1982 Code, § 8-201)

17-102. Definitions. (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 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.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(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.

(3) "Rubbish." The term "rubbish" shall include all non-putrescible waste materials except ashes from all public and private residences and establishments.

(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, corporation, or political subdivision, that collects, transports, or disposes of any refuse within the corporate limits of Newbern, Tennessee.

(6) "Health officer." The term "health officer" shall mean the health authority of Newbern, Tennessee, or his authorized representative. (1982 Code, § 8-202)

17-103. Storage of refuse. Each owner, occupant, tenant, sub-tenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the Town of Newbern, Tennessee, where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the health officer, for the storage of such refuse. Such containers shall be constructed of metal, shall be strong and durable, not readily corrodible, rodent and insect-proof, of a capacity not exceeding 32 gallons (and not less than 20 gallons), except that the maximum capacity shall not apply in cases where the town is equipped to handle containers of similar construction mechanically. Such 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 as to preclude the free access of flies and other insects and to prevent the container from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by an official collector. Such storage containers should be placed in such convenient and accessible location for trucking as may be designated by the official refuse collecting agency.

Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to being placed in the storage receptacle. The containers shall be maintained 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. (1982 Code, § 8-203)

17-104. Confiscation of unsatisfactory storage containers. The official refuse collecting agency of the town is hereby authorized to confiscate or to

remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when it finds that such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owners of such containers have been notified of such impending action. (1982 Code, § 8-204)

17-105. Other forms of refuse. In no case will it be the responsibility of the refuse collecting agency of the town to shovel or pick up from the ground any accumulations of refuse, including leaves, lawn clippings, brush, and packing material. All such materials are to be placed in containers of the type described in § 17-103 or cut and baled, tied, bundled, stacked, or packed so as not to exceed 36 inches in length and 75 pounds in weight. (1982 Code, § 8-205)

17-106. Collection of garbage and refuse. (1) Collection interval. All refuse (including garbage and rubbish) as heretofore defined shall be collected sufficiently frequently to prevent the occurrence of nuisances and public health problems. Pickup shall be twice a week from June through September and once a week in October through May. The collection of refuse within the Town of Newbern, Tennessee, shall be under the jurisdiction of the county health department.

(2) Permits. No person, firm, or corporation shall engage in the business of collecting refuse or removing the contents of any refuse container for any purpose whatsoever, or attempt to dispose of his own refuse, who does not possess a permit to do so from the recorder. Such permits may be issued only after the applicant's capability of complying with the requirements of this code has been fully determined. Such permits may be suspended or revoked upon the violation of any of the terms of this chapter.

(3) Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings or closed truck beds. (1982 Code, § 8-206)

17-107. Fees for collection and disposal of garbage and refuse. Fees shall be paid by every owner, occupant, tenant, sub-tenant, person, firm, or corporation within the corporate limits of the Town of Newbern, Tennessee, for the collection and disposal of refuse and garbage, in accordance with such fee schedules as may from time to time be prescribed by the board of mayor and aldermen.

All disputes regarding the proper monthly fee for garbage collection and disposal shall be determined by the board of mayor and aldermen.

The fees shall be paid and collected monthly through the utility department of the Town of Newbern, being billed as a part of the utility bill of each customer of the town utility department, or separately for any recipient of such service who is not a customer of the utility department.

Any user who feels aggrieved by the fee or service charge levied, may submit his grievance to the board of mayor and aldermen for consideration. If the board finds that an adjustment is proper, it will then be made, and the customer, collector, and billing agency notified, but any user submitting such a request for adjustment shall continue to pay the regular rate until notified of an adjustment approved by the board. (1982 Code, § 8-207)

17-108. Disposal of garbage and refuse. The disposal of refuse in any quantity by any individual, householder, establishment, firm, or corporation in any place, public or private, other than the site or sites designated by the constituted authority of the Town of Newbern, is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health and environment, and provided that such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal, and provided that no garbage shall be fed to swine unless said garbage has first been heated to at least 212°F., and held there at least 30 minutes in apparatus and by methods approved by the Tennessee Department of Agriculture. Provided further that animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at 40 psi. steam pressure or higher, or similarly heated by equivalent cooking. A special town permit will be required for collection of garbage for swine. (1982 Code, § 8-208)

17-109. 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 Town of Newbern. (1982 Code, § 8-209)

17-110. Burning regulated. 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 Town of Newbern without first securing the approval of the appropriate town department having jurisdiction. (1982 Code, § 8-210)

17-111. Violations. (1) 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 and environment or superintendent of the refuse collection department, with reference to the storage, accumulation, or disposal of refuse, shall be subject to a penalty as provided for in the adopting ordinance for this municipal code.

(2) In addition, any person, firm, or corporation receiving the benefit of the services provided by this chapter who fails to pay the garbage collection and disposal fees provided above within nine (9) days after the mailing of monthly billing for same, shall be liable for and pay a penalty of ten per cent (10%) of the amount of such fee, and the Town of Newbern shall have the right to all available remedies for the collection of such fees and penalties provided by law. (1982 Code, § 8-211)