

**TITLE 17****SOLID WASTE<sup>1</sup>****CHAPTER****1. SOLID WASTE.****CHAPTER 1****REFUSE****SECTION**

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**17-101. Purpose.** This chapter is determined and declared to be a sanitary measure for the protection and promotion of the health, safety, and welfare of the citizens of Portland, hereinafter referred to as the city. (1980 Code, § 8-101, as replaced by Ord. #18-19, April 2018)

**17-102. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory.

(1) "Ashes." All residues resulting from the combustion of coal, coke, wood, or any other material or substances in domestic, industrial or commercial stoves, furnaces, or boilers.

(2) "Authorized residential container." Shall mean ninety-six (96) gallon roll-out cart used in semiautomatic or automated collection which are provided by the City of Portland. Residential customers must purchase from the City of Portland Utility Office a city cart (ninety-six (96) gallon roll-out cart) at the prevailing rate.

(3) "Building materials." Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters, or any other substances accumulated as the result of repairs or additions to existing buildings or structures, constructions of new buildings or structures.

(4) "Bulk container." Shall mean and include enclosed, metal or plastic, dumpster-type containers having a capacity of no less than two (2) than cubic yards.

(5) "Cuttings." All tree limbs, trimmings, shrubbery, etc.

(6) "Garbage." Putrescible animal and vegetable waste, liquid, or otherwise resulting from the handling, processing, preparation, cooking, and consumption of food and all cans, bottles, and other containers originally used for food stuffs.

(7) "Garden refuse." All accumulations of plants, stems, roots, vegetables, and fruits remaining after harvest.

(8) "Hazardous refuse." Any chemical, compounds, mixture, substances, or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, or otherwise harmful. The following is a list of substances which should not be placed with solid waste collected by the city.

- (a) Flammable liquids, solids, or gases such as gasoline, benzene alcohol, or other similar substances;
- (b) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment and/or facilities;
- (c) Hazardous waste as defined in Tennessee Code Annotated, § 68-212-104(7) and household hazardous waste as defined in Tennessee Code annotated, § 68-211-802(a)(7);
- (d) Construction waste consisting of materials from construction, demolition, remodeling, construction site preparation including, but not limited to, rocks, bricks, dirt, debris, fill, plaster, guttering and all types of scrap materials;
- (e) Human or animal excrement;
- (f) Hot materials such as ashes, cinders, etc.;
- (g) Infectious waste including, but not limited to, those classified by the following:
  - (i) Isolation wastes - Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).
  - (ii) Cultures and stocks of infectious agents and associated biological cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biological, discarded lice and attenuated vaccines;
  - (iii) Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such wastes include, but are not limited to, culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures, and stock of etiologic agents;
  - (iv) Human blood and blood products - Waste human blood and blood products such as serum, plasma, and other blood components;
  - (v) Pathological waste - Pathological waste such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy;
  - (vi) Discarded sharps - All discarded sharps, e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades, etc., used in patient care, medical research, or industrial laboratories;
  - (vii) Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens

in research, in the production of biological or in vitro testing of pharmaceuticals.

(h) Human and/or animal remains.

(9) "Industrial waste." All waste peculiar to industrial, manufacturing, or processing plants.

(10) "Litter." All garbage, refuse, and trash and all other waste material which, if thrown, deposited, or left unattended as herein prohibited, tends to create a danger to public health, safety, and welfare.

(11) "Nonresidential establishments." Any establishment except those defined under residential establishments. Nonresidential establishments shall be divided into the following categories:

(a) Commercial - which shall include restaurants, motels, hotels, private cemeteries, retail and wholesale business establishments, and offices where a product is not manufactured.

(b) Industrial - which shall include all manufacturing and fabricating businesses.

(c) Governmental - which shall include local, state, and federal governmental agencies.

(d) Educational facilities - which shall include all public schools and universities.

(e) Religious - which shall include all churches, synagogues, church-operated or affiliated agencies.

(f) Fraternal, social, and professional clubs and organizations - which shall include lodges, social clubs, labor unions.

(g) Professional - which shall include all hospitals, doctors' offices and clinics, lawyers' offices, animal hospitals and clinics.

(h) Private educational facilities - which shall include all nonpublic schools, colleges, and universities.

(12) "Park." A park, reservation, playground, recreation center, or any other public area in the city, and devoted to active or passive recreation.

(13) "Private premises." Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(14) "Producer." Either the person responsible for the ashes, garbage, refuse, trash, industrial waste, and any other waste material or the occupant of the place or building in which such is produced or in which the person responsible for such has a place of business or residence.

(15) "Public place." Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(16) "Refuse." All putrescible and nonputrescible solid wastes (except body waste) including garbage, trash, industrial waste, ashes, street cleanings, dead animals, and abandoned automobiles.

(17) "Residential establishments." Shall include single - or multiple-family dwelling units up to and including apartment's complexes, condominiums, or mobile home parks of four units or less.

(18) "Trash." Non-putrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, boxes, cloth, wrappings, crates, grass clippings, cuttings, leaves, glass, and similar material. It shall not include bulky refuse meaning stoves, refrigerators, water tanks, washing machines, furniture, automotive parts, tires, bedding, furnaces, or similar bulky material having weight greater than fifty (50) pounds and/or a volume greater than thirty (30) gallons. Trash shall be divided into three (3) categories:

(a) Household trash - waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

(b) Yard trash - cuttings, leaves, grass clippings, etc. resulting from normal maintenance and care of landscaped, manicured grounds and lawns but does not include cuttings and leaves from that portion of grounds that have been left in its natural state without annual maintenance.

(c) Business trash - shall mean any waste accumulation of dust, paper, cardboard, excelsior, rags, or other accumulations other than garbage, household trash, or industrial waste which are usually attendant to the operation of stores, offices, and similar businesses.

(19) "Vacant property." Shall mean all parcels of land without any permanent dwelling or business structure that have remained vacant for a period of two (2) year without routine maintenance to the yard and grounds. This shall also include portions of grounds and/or yards left in their natural state. (1980 Code, § 8-102, as replaced by Ord. #18-19, April 2018)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building within the city where refuse, except brush, accumulates or is likely to accumulate is required to store such refuse in closed containers suitable for pickup and disposal by private or public means in compliance with federal, state, and local laws and regulations that are approved by the city. (1980 Code, § 8-103, as replaced by Ord. #18-19, April 2018)

**17-104. Rules and regulations to implement chapter.** The public works director may make such necessary or desirable rules and regulations as are not inconsistent with the provisions of this chapter in order to aid in its administration and in order to insure compliance and enforcement. (1980 Code, § 8-104, as replaced by Ord. #18-19, April 2018)

**17-105. Brush hauling.** (1) The city may schedule periodic pickup of brush and limbs generated from the premises of owners or occupants of real property located within the city limits.

(2) If the property owner cuts or trims shrubs on their property the City of Portland, in accordance with the current policy, will haul off the cuttings; if the Portland property owner hires/contracts anyone to cut or trim their trees or shrubs, it will be the contractor's responsibility to dispose of the cuttings. (1980 Code, § 8-105, as replaced by Ord. #18-19, April 2018)

**17-106. Manner of loading, moving and carrying materials, garbage, etc., and tracking of foreign material.** The owner, lessee, or operator of every vehicle engaged in hauling any sand, gravel, dirt, stone, rock, brick, coal, limestone, limestone dust, asphalt, garbage, trash, or any material which may, as a result of such vehicle's movement, be likely to blow, fall, or be scattered on or along city streets and alleys shall maintain such a vehicle in a secure condition and shall direct and supervise the loading of said vehicle in such a manner as to prevent any portion of such materials, products, or substances from falling, blowing, or being scattered on city streets or alleys as per current TDOT standards. Nor shall garbage or other materials offensive to the sight or smell be removed or carried on or along the streets and alleys of the city unless it be in trucks having watertight beds or boxes with proper cover. (1980 Code, § 8-106, as replaced by Ord. #18-19, April 2018)

**17-107. Accumulation of decaying vegetables or fruits in railroad cars is prohibited, and debris from railroad cars must be disposed of in approved containers.** It shall be unlawful for any person having possession and control of any decaying or damaged vegetables or fruits to permit the same to remain in any railroad car or elsewhere within the city for twelve (12) hours after such fruit and vegetables shall be found to be in decaying or damaged condition. If any such vegetables or fruits are not removed immediately upon notice to a dumping area previously designated as such by the public works director, the police chief shall have the same removed at the cost of the person having possession of the same. Debris from railroad cars must be disposed of in approved containers. (1980 Code, § 8-107, as replaced by Ord. #18-19, April 2018)

**17-108. Miscellaneous prohibited dispositions of refuse.** No person shall place any refuse in any street, alley, or other public place or upon any private property, whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the public works director. Nor shall any person throw or deposit any refuse in any stream, drainage way, or body of water.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing

accumulation of refuse within fourteen (14) days after the effective date of this chapter shall be deemed violation of this chapter.

No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, drainage way, sewer, parkway, or other public place, or into any occupied premises, within the city. (1980 Code, § 8-108, as replaced by Ord. #18-19, April 2018)

**17-109. Exclusive collection.** It shall be unlawful for any person other than the city or its authorized contractor to engage in the business of collecting, removing, and disposing of refuse in the city except those private collectors specifically authorized by the city. The city shall establish rules and regulations to be adopted by the city council to govern the activities of such private collectors. This does not prohibit establishments from collecting and hauling their own refuse so long as such refuse is stored, collected, and hauled as prescribed in this chapter. (1980 Code, § 8-109, as replaced by Ord. #18-19, April 2018)

**17-110. Premises to be kept clean and containers required.**

All persons within the city are required to keep their premises in a clean and sanitary condition, free from the accumulation of refuse except when stored as provided in this chapter.

It shall be the duty of every person in possession, charge, or control of any premises of a residential establishment, where garbage or trash containers, specified herein, for the deposit of garbage and trash generated on the premises. (1980 Code, § 8-110, as replaced by Ord. #18-19, April 2018)

**17-111. Authority of city to confiscate, etc. unsatisfactory containers.** Containers used for the deposit of garbage in a city purchased ninety-six (96) gallon roll-away cart, business trash, and/or household trash shall be in such good condition that collection thereof shall not injure the person collecting the contents nor be unsuitable for the healthful and sanitary storage of refuse substances. The city is hereby authorized to confiscate or to remove unsatisfactory containers from the premises of residential establishments that do not comply with the requirements of this article; city shall replace damaged carts in accordance with Resolution #12-70 at no charge to the customer. (1980 Code, § 8-111, as replaced by Ord. #18-19, April 2018)

**17-112. Proximity of other personal effects.** Garbage and trash shall not be stored in close proximity to other personal effects which are not desired to be collected but shall be reasonably separated in order that the collector can clearly distinguish between what is to be collected and what is not to be collected. Personal effects stored or placed within three feet of a container or

pile of trash shall be prima facie presumed to be to be garbage or trash. (as added by Ord. #18-19, April 2018)

**17-113. Residential containers, storage, and requirements.**

Authorized residential containers shall be as defined in § 17-102 herein. Lids or covers of such containers shall be kept tightly closed and water tight at all times other than when refuse is being deposited therein or removed therefrom. Refuse may be stored for collection in the following manner: Garbage and household trash shall be stored in a city purchased ninety-six (96) gallon roll-away cart.

(1) Small limbs and twigs, grass clipping, small amounts of leaves and vines shall be stored in disposable containers such as plastic bags with no container exceeding fifty (50) pounds in weight when full.

(2) Leaves may be placed in plastic bags or paper at the curbside for collection.

(3) Cuttings of brush, limbs, and shrubbery shall be stored in neat piles with large ends toward the street. Each tree and shrubbery branch and limb shall be cut in lengths of not more than four feet (4'); and stumps, branches, and limbs shall weigh no more than twenty-five (25) pounds each.

(4) Items of trash too large to place in a container but weighing no more than fifty (50) pounds and/or having a volume of no more than thirty (30) gallons shall be stored in neat piles for collection.

(5) Cold ashes shall be stored in containers not to exceed ten (10) gallons in volume separate from other garbage and trash and shall be collected on a schedule developed by the public works director. (as added by Ord. #18-19, April 2018)

**17-114. Nonresidential establishment containers, storage, and requirements.** Refuse produced by keepers and/or owners of nonresidential establishments shall be stored for collection in the following manner:

(1) A bulk container as defined in § 17-102(4), required for all nonresidential establishments as defined in § 17-102(11), which produce garbage and/or trash. Those nonresidential establishments using authorized residential containers prior to the adoption of this ordinance are exempted from using a bulk container so long as the accumulation of their garbage and trash between scheduled pickups can be stored in two (2) or less residential containers. A need for more than one (1) container will require that establishment to acceptable bulk container.

(2) The minimum facilities for any bulk container(s) will be a paved pad with the size determined by the public works director.

(3) The public works director may exempt nonresidential establishments from use of bulk containers if the volume of garbage and trash does not justify such use (volume which can be contained by two (2) or less

ninety-six (96) gallon containers) and/or if no suitable site for bulk container(s) can be found.

(4) Appeal procedure for disputes between owner and the public works director. Within ten (10) days after the mailing of the notice, or the service thereof, of the public works director's decision, the keepers or owners of the nonresidential establishment may appeal to the City of Portland Council for a hearing to contest the decision. (as added by Ord. #18-19, April 2018)

**17-115. Residential collection practices: garbage collection frequency, placement, etc.** (1) Ashes, garbage, and household trash shall be collected from each residential establishment at least once a week. The public works director is authorized and directed to prepare schedules for regular collection of refuse.

(2) Residential collection shall be made from curbside and approved city alleys. Where there is no alley or curbside, containers shall be located at pavement edge or as indicated by the public works director. Alley collection service may be denied to residential establishments by the public works director if such alley is not easily accessible to the city garbage truck.

(3) Domestic producers of ashes, garbage, and household trash shall provide sufficient container space to hold one week's accumulation of refuse not to exceed two (2) authorized residential containers.

(4) All residents, except those approved for special assistance due to age, disability, or illness (or as listed in (5) below), shall place their wheeled containers at curbside or street side no later than 6:00 A.M. on the date of anticipated collection. Where streets are used by the refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the street pavement line if there is no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable, but no later than 7:30 P.M., after such containers have been emptied, they shall be removed by the owner or occupant to within, or to the rear of, the premises and away from the street line until the next scheduled time for collection.

(5) Application for exemption to the requirements of (4) above may be made by any resident who is unable to push the container to the curb due to age, infirmity, illness, or disability and who does not have an able-bodied person in the residence. A doctor's statement may be required by the solid waste division for backyard pickup.

(6) Failure to comply. Any person or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter, specifically §§ 17-103 and 17-104, shall be deemed to be guilty of a misdemeanor and shall be punishable under § 17-115. (as added by Ord. #18-19, April 2018)

**17-116. Residential collection practices: trash collection frequency, placement, and producer's responsibility.** (1) Trash shall be

collected from each residential establishment on a schedule developed by the public works director.

(2) Trash collection shall be made from curbside only. Where there is no curb, containers and/or refuse shall be located as indicated in § 17-115(2).

(3) Leaves placed in plastic bags for collection shall be collected at curbside only. The placing of leaves in public streets, gutters or over storm drains is expressly prohibited. Collection of leaves, during the leaf season, shall be provided to each residential establishment as often as possible.

(4) Trash or any other refuse not stored and placed as provided in §§ 17-110 through 17-116 shall be removed from the premises by producer at his expense. The following items of refuse shall also be removed by the owner and/or producer at their expense:

(a) Building material as defined in § 17-102, whether generated by the contractor or the owner or any other person.

(b) Garden refuse as defined in § 17-102.

(c) Refuse including brush, leaves, stumps, vines, or any materials resulting from the cleaning or the clearing of vacant property as defined in § 17-102, whether such cleaning or clearing was done by a contractor or by the owner or any other person.

(d) Any refuse so resulting from the maintenance of yard, grounds, and residences such as refuse removed from the property after the owner was ordered to remove such refuse by the city health inspector or any other authorized city official.

(e) Automobile, truck, tractor, and other vehicle tires and any other motor vehicle parts shall be disposed of by owner or producer.

(f) Any trash pushed or pulled into piles by mechanical means shall be disposed of by owner or producer.

(g) Any trash resulting from work performed by contractors or any other person for economic gain, whether such gain is in the form of cash or barter, shall be removed by the owner, occupant, or producer all landlord, clean-outs or evictions shall be removed at owners expense as defined in §§ 17-103 and 17-104.

(h) Any other trash or refuse, except certain household items and appliances weighing in excess of fifty (50) pounds or having a volume of more than thirty (30) gallons, shall be removed by the producer. (as added by Ord. #18-19, April 2018)

**17-117. Nonresidential collection practices: garbage and trash collection frequency, placement, etc.** The City of Portland does not provide nonresidential collection (outside city limits customers). (as added by Ord. #18-19, April 2018)

**17-118. Industrial waste.** The collection and disposal of industrial waste shall be the responsibility of the owner, lessee, occupant, or producer. The

city does not provide service to industrial businesses. (as added by Ord. #18-19, April 2018)

**17-119. Hazardous refuse.** No hazardous refuse, as defined in § 17-102, shall be placed in any receptacle, container, or unit used for refuse collection by the city. The collection and disposal of such refuse shall be the responsibility of the owner, lessee, occupant, or producer. (as added by Ord. #18-19, April 2018)

**17-120. Cardboard boxes and cartons.** Prior to being deposited as refuse for collection in approved containers, all cardboard boxes, cartons, and crates shall be completely collapsed. (as added by Ord. #18-19, April 2018)

**17-121. Containers.** (1) The city will offer suitable new ninety-six (96) gallon containers for sale at the prevailing rate, payable to the City of Portland Utility Office. Presentation of a valid receipt to the public works director will cause the container to be delivered to the city address shown on the receipt. The cart purchased is the responsibility of the customer for any loss or stolen issues.

(2) It shall be mandatory that all refuse picked up by the city be first placed in wheeled refuse containers approved by the city as follows:

(a) Each owner, occupant, or other responsible person, as aforesaid, shall be responsible for keeping the refuse container clean and sanitary in compliance with health and sanitation requirements and shall keep container lids closed at all times. The container shall not be filled to overflowing. No refuse shall be placed in the container until such refuse has been drained of all free liquids.

(b) The city shall be responsible for replacing the refuse container if it becomes damaged or dilapidated to the point where it cannot be safely dumped by equipment used by the city for that purpose.

(c) Each owner, occupant, or other responsible person using or occupying any dwelling and/or building within the city limits shall be limited to a maximum of two (2) ninety-six (96) gallon wheeled refuse containers, except as allowed in § 17-123(4) and shall pay the most recent price paid by the city for each wheeled refuse container purchased from the city. (as added by Ord. #18-19, April 2018)

**17-122. 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. (as added by Ord. #18-19, April 2018)

**17-123. Collection service.** (1) Supervision and control. Collection, conveyance, and disposal of refuse by the city shall be done regularly in

accordance with an announced schedule under the supervision of the superintendent of public works or his designee.

(2) A refuse collection fee at the prevailing rate per month for two (2) refuse container for commercial customers receiving refuse collection service from the City of Portland, Tennessee, is hereby established. Said refuse collection fee shall be billed to each such owner, occupant, and entity monthly on the utility billing from the City of Portland, Tennessee. Failure to pay said refuse collection fee shall result in discontinuance of water and gas service pursuant to §§ 18-113 and 18-114 of the Portland Municipal Code and the procedures set out in Tennessee Code Annotated, § 65-32-104 and 105 which are hereby adopted and incorporated herein by reference.

(3) Collection of excess refuse. Each owner, occupant, or other responsible person using or occupying any building or other premises where more refuse accumulates each week than can be stored in two (2) wheeled containers must make other arrangements for collection and disposal of such excess refuse in a manner conforming with provisions of this chapter.

(4) Multifamily dwellings may purchase and use additional wheeled refuse containers not to exceed a maximum of twenty (20) wheeled refuse containers. This provision is to serve small apartment complexes of twenty (20) or less units. Such multifamily dwellings shall be provided once per week pickup service with all refuse containers to be brought to a central pickup point as designated by the public works director. (as added by Ord. #18-19, April 2018)

**17-124. Failure to comply.** Any person, persons, firm, association, corporation, or agent thereof who shall fail, neglect, or refuse to comply with the provisions of this chapter, specifically §§ 17-103 and 17-104, shall be deemed to be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code. (as added by Ord. #18-19, April 2018)

**17-125. Bulky and nonburnable items.** The city will, on a regular route, pick up bulky and no burnable, nonbusiness items such as furniture, refrigerators, mattresses, and any other items that are not accepted by the Sumner County Resource Authority. (as added by Ord. #18-19, April 2018)

**17-126. Property partially within the city limits.** In the event real property is located partially within the city limits of Portland with a residential building thereon which is located outside of the city limits of Portland, the owner thereof can receive refuse and brush/limb collection service for the residential building in strict accordance with this chapter, upon the owner paying to the City of Portland an advance fee of two hundred dollars (\$200.00) for each year or portion of a year refuse and brush/limb collection service is provided. This fee shall be in addition to all other fees and charges set out in this chapter applicable to refuse and brush/limb collection service. The term

residential building herein shall be limited to single-family dwellings only. (as added by Ord. #18-19, April 2018)

**17-127. Disposal - at a proper resource recovery energy production facility.** All solid waste collected by any person, firm, or entity within the boundaries of the city shall be delivered to the proper resource recovery for processing. (as added by Ord. #18-19, April 2018)

**17-128. Refuse collection fee.** A refuse collection fee shall be charged at the prevailing rate per month per refuse container for all owners, occupants, and entities receiving refuse collection service from the city is hereby established. Said refuse collection fee shall be billed to each such owner, occupant, and entity monthly on the utility billing from the city. Failure to pay said refuse collection fee shall result in discontinuance of water and gas service pursuant to §§ 18-113 and 18-114 of the Portland Municipal Code and the procedures set out in Tennessee Code Annotated, §§ 65-32-104 and 65-32-105 which are hereby adopted and incorporated herein by reference. (as added by Ord. #18-19, April 2018)