

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (Code of 1977, § 8-201)

17-102. Premises to be kept clean. All persons within the municipality 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. (Code of 1977, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons. The

¹See title 20, chapter 1 for the establishment for the Town of Selmer, Tennessee, of a Public Works Department.

combined weight of any 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. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (Code of 1977, § 8-203)

17-104. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet 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 municipal 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 be no curb, at such times as shall be scheduled by the municipality for the collection of refuse therefrom. 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. (Code of 1977, § 8-204)

17-105. Disturbance and unauthorized use of containers. 1. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb any refuse container belonging or leased to another. All refuse containers in use on the premises of any commercial establishment shall be used solely and only by that establishment as a receptacle for its commercial refuse. No person shall use a commercial establishment's refuse container unless specifically authorized by the commercial establishment.

If an object of refuse is discovered on another's property without his permission, on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property designated for such use, bearing a person's name, it shall be prima facie evidence that the person whose name appears on the object threw, dumped or deposited it there.

A person who violates a provision of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed the maximum amount permissible by law. However, the judge in his discretion may require an individual convicted of a violation of this section to remove refuse from public property within the city, or other appropriate locations, for any prescribed period in lieu of or in addition to the penalty as provided in this section.

2. Containers: With respect to publicly maintained refuse containers, such containers shall be of welded steel construction suitable for the storage of refuse, and shall be equipped with slots or other devices capable of being engaged by the arms of a front loading refuse truck designed for that purpose. Commercial refuse containers shall have a maximum capacity of eight cubic

yards. The property owner, lessee, or the user of the container shall contact the party in charge of refuse collection for the Town of Selmer and make arrangements to have the collection from the container set up on a schedule so that the refuse does not accumulate or overflow the confines of the container or restrict the closing of the container cover. The party designated by the Town of Selmer to be in charge of garbage and refuse collection shall approve the design, location, capacity and number of commercial refuse containers in use at each site. (Code of 1977, § 8-205, as replaced by Ord. #450, Dec. 1996)

17-106. Collection and fee. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule.

A garbage fee shall be established by resolution passed from time to time by the board of mayor and aldermen to cover the cost of garbage service to each resident so served.¹

This garbage fee shall be mandatory for all residents and businesses inside the city limits. (Code of 1977, § 8-206, as amended by Ord. #450, Dec. 1996, as replaced by Ord. #558, June 2007)

17-107. 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. (Code of 1977, § 8-207)

17-108. Disposal. 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. (Code of 1977, § 8-208)

17-109. Town sole collector. The Town of Selmer shall be the sole collector of garbage, rubbish, and/or refuse within the corporate limits of the Town of Selmer, Tennessee. (as added by Ord. #492, May 2002)

17-110. Authorized agent specified. The Town of Selmer, Tennessee may designate by contract or franchise an authorized agent consisting of non-city personnel for collection and disposal of garbage, rubbish, and refuse for all or certain specified classes of customers as designated in such contract or franchise. (as added by Ord. #492, May 2002)

¹Administrative ordinances are of record in the town recorder's office.