

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. GARBAGE AND REFUSE.

CHAPTER 1

GARBAGE AND REFUSE

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¹Municipal code reference

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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 Elizabethton. (2000 Code, § 17-101)

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 those obtained from the City of Elizabethton, Tennessee, and shall be ninety-six (96) gallon containers which can be handled with the mechanical equipment on the garbage truck and which do not require manual lifting by the sanitation workers.

(a) In the event a residential customer has an overflow it is permissible for this overflow to be deposited curbside in garbage bags.

(b) In the event the residential customer has an overflow on a regular basis then the street and sanitation manager may require the residential user to purchase an additional authorized residential container.

(c) When an additional container is required, the residential customer shall pay to the city the costs incurred by the city for each such residential container.

(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, construction of new buildings or structures.

(4) "Bulk container." Shall mean and include front end loading, enclosed, metal, dumpster-type containers having a capacity of no less than four (4) cubic yards nor greater than eight (8) cubic yards. Such containers shall have the capacity, size and be the type as specifically authorized and approved by the street and sanitation manager. All dumpster-type containers being serviced by the city prior to the adoption of this chapter shall be considered "bulk containers."

(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." Means any chemical, compounds, mixture, substance 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.

(9) "Industrial waste." Shall mean all wastes 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) "Non-residential establishments." Any establishment except those defined under "residential establishments." Non-residential 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.

(i) Multiple-family structures which shall include any apartment or condominium complex with four (4) or more units, any mobile home park with four (4) or more units, and public housing.

(12) "Park." A park, reservation, playground, recreation center or any other public area in the city, owned or used by 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 dwellings, 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 complexes, condominiums or trailer parks of three (3) units or less.

(18) "Trash." Nonputrescible 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) years without routine maintenance to the yard and grounds. This shall also include portions of grounds and/or yards left in its natural state. (2000 Code, § 17-102, as amended by Ord. #51-23, Sept. 2015)

17-103. Rules and regulations to implement chapter. The city manager 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. (2000 Code, § 17-103)

17-104. Persons engaged in business of landscaping or trimming, repairing, etc., of trees and shrubbery. No person shall perform any service

of economic gain wherein trees or shrubbery are cut, trimmed, removed or altered, and wherein an accumulation of brush, wood, vines, debris or other refuse attendant to landscaping as a result of such work or service without being equipped with a truck or other vehicle capable of removing said brush, wood, vines, debris or other refuse which shall be so removed by the person causing or creating its accumulation. (2000 Code, § 17-104)

17-105. 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. 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. (2000 Code, § 17-105)

17-106. 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 street and sanitation manager. Nor shall any person throw or deposit any refuse in any stream or other 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 thirty (30) days after the effective date of this chapter shall be deemed a 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, sewer, parkway, or other public place, or into any occupied premises within the city. (Ord. #51-23, Sept. 2015)

17-107. 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. (2000 Code, § 17-107)

17-108. 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" is created or accumulated to keep or cause to be kept at all times containers, specified herein, for the deposit of "garbage" and "trash" generated on the premises. (2000 Code, § 17-108)

17-109. Authority of city to confiscate, etc., unsatisfactory containers. Containers used for the deposit of "garbage," "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" and "nonresidential establishments" that do not comply with the requirements of this chapter; provided, however, that the owners, or their agents or lessees of such containers shall be duly notified of such impending action by five (5) days' notice in writing delivered to the premises on which the unsatisfactory container is located. (Ord. #51-23, Sept. 2015)

17-110. 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 (3') of a container or pile of "trash" shall be prima facie presumed to be "garbage" or "trash." (2000 Code, § 17-110)

17-111. 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: "Ashes," "garbage," and "household trash" shall be stored in "authorized residential containers" except "household trash" which may also be separated from "garbage" and stored as "trash."

(1) Small items of "trash" including "household trash" and grass clippings, small amounts of leaves, and vines shall be stored in disposable airtight plastic bags, on an occasional basis only, with no container exceeding fifty (50) pounds in weight when full. The street and sanitation manager may require the purchase of an additional "authorized residential container" when

a resident consistently has more refuse and trash than can be accommodated by the authorized residential container.

(2) Leaves may be raked into piles and windrows at the curbside for collection, beginning in the fall, on a specific date established by the director of the public works department through January. Prior to and after these dates leaves shall be stored in disposable containers such as plastic bags.

(3) "Cuttings" of brush, limbs and shrubbery shall be stored in neat piles with thorny vegetation placed in separate piles from other tree and shrubbery trimmings. Each tree and shrubbery branch and limbs shall be cut in lengths of not more than five feet (5') and stumps, branches and limbs shall weigh no more than fifty (50) 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. (2000 Code, § 17-111, as amended by Ord. #51-23, Sept. 2015)

17-112. Non-residential establishment containers, storage and requirements. "Refuse" produced by keepers and/or owners of "non-residential establishments" shall be stored for collection in the following manner:

(1) A "bulk container" as defined in § 17-102(4) is required for all "non-residential establishments" as defined in § 17-102(11) which produce "garbage" and/or "trash." The size and number of bulk containers purchased by individuals or organizations will be designated by the street and sanitation manager. Those "non-residential establishments" using "authorized residential containers" prior to the adoption of this chapter are exempted from using a "bulk container" so long as the accumulation of their "garbage" and "trash" between scheduled pickups can be stored in six (6) or less residential containers. A need for more than six (6) containers will require that establishment to acquire an acceptable "bulk container."

(2) The minimum facilities for any "bulk container(s)" will be a paved pad with the size determined by the street and sanitation manager.

(3) The street and sanitation manager may require the replacement of "bulk containers" if the existing "bulk container" is unsafe, is not watertight, or otherwise creates a health or safety hazard. (Ord. #51-23, Sept. 2015)

17-113. 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 as scheduled by the director of the public works department.

(2) Residential collection shall be made from curbside and approved city alleys. Where there is no alley or curbside, containers shall be located as indicated by the director of the department of public works. Alley collection service may be denied to "residential establishments" by the director of the

department of public works if such alley is not easily accessible to the city garbage truck.

(3) If two (2) or more "residential establishments" are located on a private road and not within a reasonable distance of a public street or alley, as determined by the street and sanitation manager, collection of refuse stored in "authorized residential containers" may be made along the private road only if the owner(s) provide written approval for city collection trucks to travel on the private road. The city shall not be liable for any damage done to the private road as a result of normal use of ingress and egress.

(4) Domestic producers of "ashes," "garbage" and "household trash" shall provide sufficient container space to hold one (1) week's accumulation of refuse not to exceed six (6) "authorized residential containers."

(5) Container shall be placed at the appropriate location as described in subsection (2) above by no later than 7:00 A.M. on the day of collection and removed from curbside on the same day, after collection has occurred. Holiday collection schedules may require placement of containers at curbside on the evening prior to collection. (2000 Code, § 17-113, as amended by Ord. #51-23, Sept. 2015)

17-114. Residential collection practices: trash collection frequency, placement and producers responsibility. (1) "Trash" shall be collected from each "residential establishment" at least once a month on a schedule developed by the director of the department of public works.

(2) "Trash" collection shall be made from curbside only. Where there is no curb, containers and/or refuse shall be located as indicated by the street and sanitation manager.

(3) Leaves raked into piles and windrows for collection during the leaf season as defined in § 17-111(3) 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" at least once every month and more frequently if possible. The street and sanitation manager is authorized and directed to prepare schedules for leaf collection and to notify domestic producers of such schedules.

(4) Trash or any other refuse not stored and placed as provided in §§ 17-108-17-114 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 persons.

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

(c) Refuse including brush, leaves, stumps, vines or any material resulting from the cleaning or 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 normal and routine 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.

(h) Any other "trash" or "refuse," except certain household items and appliances weighing in excess of fifty (50) pounds or having a volume or more than thirty (30) gallons shall be removed by the producer.

(5) Cuttings of brush, limbs, shrubbery deposited by the property owner or resident for collection by the city and determined to be two (2) tons or more by volume and over one (1) two (2) ton brush trailer load by volume, will require a special brush pickup to be scheduled after payment of the prevailing landfill rate charged to the city and there shall be a minimum charge of sixty-eight dollars and ninety-four cents (\$68.94) per trailer load on all volumes of brush exceeding the two (2) ton by volume brush trailer. Man-made materials cannot be co-mingled with brush.

Upon the failure of the property owner or the resident to arrange for special brush pickup or the removal of such brush after thirty (30) days, the city shall notify the property owner that a fee for the removal will be placed on the customer's water bill for all brush volumes determined to exceed the two (2) ton by volume limit. The failure to pay such fee will result in the termination of water services after notice. (2000 Code, § 17-114, as amended by Ord. #51-23, Sept. 2015)

17-115. Non-residential collection practices: garbage and "trash" collection, frequency, placement, etc. (1) Collection of "refuse" for "non-residential establishments" shall be limited to "garbage," "household trash" and "business trash" stored in authorized containers. Bulky items of trash, "cuttings" and "yard trash" that cannot be placed in authorized containers shall be removed by the owner or producer.

(2) A solid waste disposal fee for "bulk containers" of twenty-one dollars and eighty-five cents (\$21.85) per container, per collection shall be collected on a monthly basis. The solid waste disposal fee is subject to change on an annual basis proportionate to the increase in the solid waste disposal fees imposed by the landfill. Any solid waste disposal fee not paid on or before the due date shall incur a ten percent (10%) penalty.

(3) Collection service for "bulk container" accounts whose solid waste disposal fee is not paid within twenty (20) days after the due date shall be

discontinued for failure to pay the fee when due. The water/sewer service for any water/sewer customer responsible for payment of a bulk container solid waste fee shall be subject to termination of service if the bulk container fee is not paid; provided the city gives written notice to the delinquent customer ten (10) days prior to termination of water/sewer services. Municipal billing for each "bulk container" account shall be consolidated with the commercial user's water/sewer billing account. Each commercial user shall be notified that it has the right to contact a designated city staff employee with regard to any billing the customer believes is inaccurate or erroneous prior to water/sewer service being discontinued under this charter.

(4) It shall be incumbent upon tenants, lessees, occupants or owners of "non-residential establishments" to provide a safe and convenient entrance to and through the premises for the purpose of collecting refuse. The city shall not be liable for damage done to driveways; parking lots or other properties, resulting from normal use for ingress and egress to collect refuse, unless caused by negligence on the part of the city or its employees. Any required improvement of the site shall be the responsibility of and at the cost of the property owner, tenant, lessee, or occupant. (2000 Code, § 17-115, as amended by Ord. #51-23, Sept. 2015)

17-116. Industrial waste. The collection and disposal of "industrial waste" shall be the responsibility of the owner, lessee, occupant or producer. (2000 Code, § 17-116)

17-117. Hazardous refuse. No "hazardous refuse" 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. (2000 Code, § 17-117)

17-118. 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. (2000 Code, § 17-118)

17-119. Bulk containers located in downtown area. (1) "Bulk containers" in the downtown area shall be used by downtown merchants and city departments only.

(2) "Bulk containers" in the downtown area shall be labeled "DOWNTOWN MERCHANT USE ONLY" or words to that effect.

(3) Additionally "bulk containers" in the downtown area shall be labeled as follows:

(a) "NO CORRUGATED CARDBOARD ALLOWED" or words to that effect. In these "bulk containers," no corrugated cardboard shall be permitted.

(b) "CARDBOARD BOXES ONLY" or words to that effect. In these "bulk containers" only cardboard boxes shall be permitted.

(4) Violation of subsection (1) of this section shall be punishable by a maximum fifty dollar (\$50.00) fine.

(5) Violation of subsection (3)(a) of this section shall be punishable by a maximum twenty-five dollar (\$25.00) fine. (2000 Code, § 17-119)

17-120. Fees for approved nonresidential customers. A fee shall be charged to all nonresidential users of "authorized residential containers" for the purchase, replacement or addition of an authorized residential container. This fee shall be the cost to the city for such container plus five percent (5%) and shall be paid at the time the container is acquired.

Residential containers will be replaced as deemed unsuitable for the healthful and sanitary storage of "refuse" substances by the street and sanitation manager. (Ord. #51-23, Sept. 2015)

17-121. Disposition of bulk refuse. (1) Effective October 3, 2012, the City of Elizabethton will resume the pickup within the corporate limits of the City of Elizabethton of bulk refuse such as stoves, refrigerators, water tanks, washing machines, furniture, bedding (mattresses/bedsprings), furnaces or other similar bulky material except as set forth in subsection (2) below. Bulk refuse shall be placed at the street or road curbside for pickup.

(2) The City of Elizabethton, however, will not pick up automobile or truck tires, or motor vehicle parts, televisions, computer monitors or building materials as bulk refuse under this section.

(3) The City of Elizabethton will not pick up bulk refuse as set forth herein at non-residential establishments.

(4) No individuals from outside the City of Elizabethton, Tennessee, shall bring bulk refuse into the City of Elizabethton and place it at curbside or street side for the City of Elizabethton to pick up.

(5) It shall be a violation of this Elizabethton Municipal Code to bring bulk refuse into the corporate limits of the City of Elizabethton and it be dropped off in an attempt to have the City of Elizabethton dispose of this bulk refuse. Any individual being cited into the City of Elizabethton Municipal Court for this code violation and being found guilty shall be fined fifty dollars (\$50.00) and assessed the appropriate court costs for a violation of the Elizabethton City Code.

(6) Bulk refuse placed by residents for pickup by the City of Elizabethton and determined to be two (2) tons or more by volume and over one (1) two (2) tone trailer load by volume will require a special bulk refuse pick up to be scheduled and shall be assessed a fee, which shall be the prevailing landfill rate charged to the city for the additional tonnage. (Ord. #48-24, Nov. 2012)

17-122. Solid waste user fee. (1) The solid waste user fee for the collection, removal and disposal of refuse by the City of Elizabethton shall be included as a separate item each month on the bills rendered by the city water and sewer departments for water service to each City of Elizabethton residential or commercial unit receiving water or sewer services except those industrial, commercial and residential entities which currently utilize bulk container service which is currently billed separately. The solid waste user fee shall be rendered on the first water bill sent ten (10) days after the passage of the ordinance comprising this section. The solid waste user fee shall be set at ten dollars (\$10.00) each month. The solid waste user fee shall be paid monthly at the same time water bills are paid, except for those bulk container accounts that are currently billed separately by the city.

(2) All mobile home parks/trailer parks, apartment complexes and apartments that are currently being provided water or sewer service by the City of Elizabethton Water Department through a master meter shall pay a solid waste user fee for each trailer/mobile home or apartment serviced through the City of Elizabethton Water Department master meter. For example, a trailer/mobile home park with thirty (30) units being serviced by one (1) water department master meter shall be assessed thirty (30) solid waste user fees. (Ord. #48-9, July 2012)